

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Environment, Land Acquisition and Planning Committee was held at the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, in the Rose Y. Caracappa Auditorium on Tuesday, **November 13, 2001** at 3:15 p.m.

MEMBERS PRESENT:

Legislator David Bishop, Chairman
Legislator Michael Caracciolo, Vice Chair
Legislator Ginny Fields
Legislator George Guldi
Legislator Cameron Alden
Legislator Allan Binder
Legislator Vivian Fisher

ALSO IN ATTENDANCE:

Legislator William Lindsay, Legislative District No. 8
Legislator Brian Foley, Legislative District No. 7
Paul Sabatino, Counsel to the Legislature
Peter Scully, Commissioner, Suffolk County Department of Parks
Tom Isles, Director of Planning
Jim Burke, Division of Real Estate
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Legislative Aide to Legislator Cooper
Clark Gavin, Legislative Aide to Presiding Officer Tonna
Todd Johnson, IR/County Executive's Office
Nicole DeAngelo, IR/County Executive's Office
Jim Bagg, CEQ
Leslie Mitchel, Suffolk County Department of Public Works
Christine Ballow, Property Owners of Eaton's Neck Beach
John Ballow, Property Owners of Eaton's Neck Beach
Delores Faber, Stargazer Court Homeowners Association
William Timber, Suffolk County Resident
Marilyn Timber, Suffolk County Resident
John Turner, The Nature Conservancy
Denise Speizio, Suffolk County Department of Parks
Michael J. Lawlor, North Creek Road Organization
Steve Milano, SYAG Sports
Amy Juchatz, Suffolk County Department of Health
Becky Wiseman, Long Island Farm Bureau
Kevin Guilfoyle, Holbrook Chamber of Commerce
Bill Butler, North Creek Association
Carolyn Fahey, Suffolk County Economic Development
Other Interested Parties

Minutes Taken By:

Kimberly Castiglione, Legislative Secretary

(The meeting was called to order at 3:30 p.m.)

CHAIRMAN BISHOP:

Will everyone please rise for the Pledge of Allegiance led by Legislator Alden.

(Salutation)

Does everybody have an agenda? Does anybody need an agenda? We have a number of speakers who wish to be heard from the public. Is everybody here – I try to divide it up by issue. So we have a group here from Holbrook and a group from Northport. Are there any other issues that the public wishes to be heard on?

Why don't we bring up the Northport group first because that is the first card I have. If you are here to speak on the land acquisition at Hogan Estate, please come forward.

MS. BALLOW:

I am Christine Ballow. I am President of the Property Owners of Eaton's Neck Beach Association. I am a resident of Eaton's Neck for 16 years, and a board member for the past four years. The 500 families of Eaton's Neck resoundingly support and have continuously sought the preservation of the Hogan Estate as open space parklands. Our neighbors in Asharoken, including Mayor Kelly, Northport Village, Huntington Township, oppose the development of this property.

As you already know, the Hogan Estate is a truly unique parcel with 800 feet of direct beautiful beachfront on the Long Island Sound, one of the few remaining parcels on the north shore and certainly in western Suffolk. It's 80 foot bluffs provided unparalleled sweeping, westerly views from Huntington Bay to Stanford. Its 24 acres are almost completely untouched primary growth forest with trees that are centuries old. It is the only parcel of land that the Huntington Conservation Board has unanimously voted to be preserved in its natural state because of its unique flora, fauna, beaches, waterfront access and numerous other attributes.

Plans to develop this parcel call for clear cutting 11 acres of this majestic ancient forest, disturbing 40,000 cubic yards of topsoil, evacuating and trucking nearly 60,000 cubic yards of sand from the site. The proposed development plan would turn the 24 acres of pristine forest into asphalt, foundations, and lawns.

We humbly ask you to help prevent the mistakes of over-development that plague Nassau County and other neighboring counties. It seems we have a willing seller and a great desire from the Town of Huntington, specifically Supervisor Petrone, its board, committees and agencies to preserve this

property. We also have continued support and interest from New York State to preserve this unique parcel. Please find a way to preserve this wonderful and unique asset and leave a legacy for the future and our children.

On behalf of the people of Eaton's Neck, Asharoken, Northport and Huntington, I would like to thank Jon Cooper for his vision and continued commitment and effort to preserve this property.

And just a quick note. A number of our community members have said to me that they have tried to e-mail you, specifically David Bishop and Michael Caracciolo, and they have had trouble getting their e-mails out or having them returned. So I just want to notify you that you may be getting a whole bunch later on.

MR. BUTLER:

Mr. Chairman, Legislators, I am Bill Butler from North Creek Road at Eaton's Neck. I, too, tried to e-mail all of you and my e-mails came back, so count another one.

If I could, you may be interested. This was published by some committee of citizens of Eaton's Neck and Asharoken in 1955, I think, in which they said about the subject property, "Along North Creek Road and the Old Woods Road part of the eastern hardwood forest that greeted the earliest settlers still exists. Little change takes place from year to year. Towering oaks, tulip trees, and smaller yellow birch trees stretch mass-like to sky. Here is a quiet, cathedral-like majesty. Around them are smaller trees and shrubs, spicebush, dogwood, shadblow, viburnums and others. Carpeting them all are the ferns, jack-in-the pulpits, wild geranium, false and true Solomon's seal in endless rhythm. Less common are the violets, pipsisoa, anemones, and skunk cabbage. Few places make people wax so lyrical as this forest." I urge you, I commend you for considering the preservation. Thank you.

MR. LAWLOR:

My name is Mr. Lawlor. I am at 42 North Creek Road, Eaton's Neck. I have been a resident on that road for the last 40 years. They brought up a lot of remarks about that erosion at that particular – on those bluffs. I have been living there like I said 40 years, and we lose around two foot, two and a half foot per year, so I don't know how this builder is going to build all these houses on this property. There should be a lot of runoff and it will cause a problem later on in years to the owners of the homes that are going to be built there on the property. That is about all I can say. The road that is there now is a wooded road with trees that are I guess a couple of hundred years old, and they are going to expand that road there with all those trees there. Fifty-foot wide and they are going to destroy the whole environment. That is all I would like to say to you folks.

DR. FABER:

I am Doctor Delores Faber. I live at 7 Stargazer Court and I am President of the Stargazer Court Homeowners Association. I don't want to be repetitive, but I would like to speak to the noise pollution. I moved to the area five

years ago from another part of Northport, but I have lived in Northport since 1962. You move here for the quiet and the beauty. I don't know who lives up on the Hogan property at the moment, but somebody does live up there and I guess it is a new owner, and I live I guess 2,000 feet away. Since the new owners have moved in there is noise pollution all the time. Somebody is riding on motorbikes or whatever it is that they are using up there. It is not chainsaws, it is not leaf blowers. Can you see 11 or 20 houses up there all with children? And I am a teacher, I love kids, but you do move there for the peace and quiet. You don't want to bring your work home with you, and the noise pollution is horrendous. I think this property should stay the way it is as a passive park, a place to enjoy the beauty, enjoy the trees, enjoy the scenery, and quiet. Thank you.

LEGISLATOR CARACCIOLO:

To anyone on the panel. The current property owner is whom, how long have they occupied this property, what is it being used for, and are they interested in selling the property?

MS. BALLOW:

The contract vendee, William {Cullmer}, is the party that is interested in selling. He has been met – both Mrs. Hogan, the actual owner of the property, has been met with Jon Cooper and William {Cullmer} was contacted by Jon Cooper and he was willing to meet and discuss selling of that property. He seems to be very amenable to that right now. Barbara, I don't know if you have any more information on that?

MS. LOMORIELLO:

It is a willing seller.

MS. BALLOW:

Yeah, there is a willing seller here. That is why I mentioned that when I spoke. We have a willing seller so he is –

MS. LOMORIELLO:

I do not have the letter with me. The town and Jon Cooper met with the developer.

LEGISLATOR CARACCIOLO:

Okay. The property owners are the Hogans. You referred to a contract vendee.

MS. BALLOW:

Well, the contract vendee is the person that we have to deal with. He is essentially, even though he is considered the contract vendee, he is the owner according to that contract. Am I correct there, Barbara, because that is who we have dealt with all along with the town.

MS. LOMORIELLO:

He is.

MS. BALLOW:

William { Cullmer} . They were asking who the actual owners are, and I said William { Cullmer} is actually the contract vendee. He is the person to be dealt with. Mrs. Hogan has no authority right now to be dealt with in terms of selling it.

MS. LoMORIELLO:

That's because she is an elderly woman and it has been in an estate. The property has been in an estate. But they have now, you know the vendee has been working with Jon and the town and he is a willing seller. They are willing.

CHAIRMAN BISHOP:

Is the town a willing participant?

MS. LoMORIELLO:

It is on the top of the open space list for the town.

CHAIRMAN BISHOP:

So land partnership preservation is an option.

MS. LoMORIELLO:

Exactly.

CHAIRMAN BISHOP:

Did they approve –

MS. LoMORIELLO:

They didn't vote for it yet, but it is on the top of a list.

LEGISLATOR CARACCILO:

I am still trying to get a clarification. The property owner – could you identify for the record who the property owner is?

MS. BALLOW:

As confused as you are, I was, too. Mrs. Hogan, although she owns the property, the only person you can negotiate with is the contract vendee, which is William { Cullmer} .

MR. LAWLOR:

He may have taken title.

MS. BALLOW:

We are not positive on that, although in Jon's memo it says contract vendee still.

LEGISLATOR CARACCILO:

Does anyone from the Division of Real Estate have any additional information they could share with us?

CHAIRMAN BISHOP:

No, Michael. I am running the meeting and we will do that later on. When we get to the agenda we'll discuss that.

LEGISLATOR CARACCILOLO:

We are going to –

CHAIRMAN BISHOP:

Not now.

LEGISLATOR CARACCILOLO:

No, I'm saying later.

CHAIRMAN BISHOP:

Later, yes.

LEGISLATOR CARACCILOLO:

Okay, because it is a very relevant question and it is material to whether or not I will support the resolution.

CHAIRMAN BISHOP:

If they want to answer it they may. Does anybody here have any –

MS. BELLOW:

Is there anything we can do to assist you in your information? In other words, do you want us to do any research for you to supply anything?

CHAIRMAN BISHOP:

I had also heard that the State might be interested in participating in this purchase as well.

MS. BELLOW:

We have met with Congressman Flanagan numerous times and he was very interested. The actual numbers of what he is willing to supply I am not familiar with. I know we spoke to Jon Cooper and Gerard in his office and they were saying that they were going to discuss that, the actual numbers with Congressman Flanagan. The only problem is now I don't know, since this has come at this particular time, what his numbers would be.

CHAIRMAN BISHOP:

Right. In other words, he was interested but he didn't secure any money and now the World Trade Center has happened and the State Budget –

MS. BELLOW:

Right, that is the translation, yes.

CHAIRMAN BISHOP:

Legislator Fields.

LEGISLATOR FIELDS:

In order to purchase property, in order for the State to purchase property, it has to be on the open space list. It is not on the list.

MS. BELLOW:

Flanagan didn't put it on the list.

LEGISLATOR FIELDS:

Well, it is not Flanagan, it is a 23 or 24 member group that puts these things together. Legislator Caracciolo and myself are both on that list, on that committee. But tomorrow is an open meeting for the public to add properties to the list, to get them on for acquisition. The State will not pay a dime for a piece of property if it is not in this book. So, I would recommend that you go to Planting Fields tomorrow, and as a member of the public you ask that this parcel be added to the open space list.

MS. BELLOW:

This is in Planting Fields Arboretum?

LEGISLATOR FIELDS:

Yes.

MS. BELLOW:

Yes. Okay. And what time would that be?

LEGISLATOR FIELDS:

I can see you after the meeting, but in order for – just to say – you may say the State's interested, but they can never be interested unless it is in this book.

CHAIRMAN BISHOP:

Let me ask a few more overview questions. This is 24 acres; is that correct?

MR. BUTLER:

That is correct.

CHAIRMAN BISHOP:

And it is on the water on Long Island Sound, and there is an application for development of how many homes?

MS. BELLOW:

Well, there were two applications. Actually, it has been upzoned, so there is ten – is it eleven?

MR. BUTLER:

Originally it was 22 houses and then they reduced it down to eleven.

CHAIRMAN BISHOP:

And are they clustering the eleven?

MS. BELLOW:

No. They are trying to put seven on the bluffs –

MR. BUTLER:

Which that is where the erosion --

CHAIRMAN BISHOP:

And do you have any idea what the land sold for from Hogan to vendee?

MR. BUTLER:

It is 2.8 million.

MS. LoMORIELLO:

I did get an answer from Jonathan on this, and it is William {Cullmer} that has been standing in the shoes of the Hogan Estate. So he has met with William and he is the person who he is dealing with on the contract purchase.

CHAIRMAN BISHOP:

Okay. This is a planning steps only resolution, so even if Legislators were concerned about the overall price and who our partners ultimately would be, the resolution would simply allow the consideration of the purchase to move forward. It doesn't bind us. Perhaps Legislators will be persuaded by that when we get to it later on. Any other questions or statements? Doctor?

DR. FABER:

To get in that book, on the list, do we need any special preparations?

CHAIRMAN BISHOP:

Legislator Fields will advise you. Thank you very much. Stick around, we will have further discussion on this.

MS. BELLOW:

Thank you.

CHAIRMAN BISHOP:

Let's move now to the next group which are people from Holbrook. Steve Milano and Kevin Guilfoyle. Are they here? Same deal. You are on the same side of the issue; right? Oh, it is two separate pieces. That is all right. We will go one and one. Mr. Milano, you are here on resolution 1718?

MR. MILANO:

I am not exactly sure if that is the right number.

CHAIRMAN BISHOP:

Let me check. 1718 is Land on Lincoln Avenue.

MR. MILANO:

That is correct. I represent Sachem Youth Advisory Group, SYAG for short. We are multi-sport youth organization in the Holbrook area. We are looking

to expand, our kids are growing, our registration is growing on a yearly basis, and the facilities are decreasing.

A few years ago we took over an eight acres site in Lake Ronkonkoma and we built three fields for baseball. That now is used to the max. What we are looking to do is to go and get this land on Lincoln Avenue, which is almost a ten acre site. We need a place for our football, lacrosse, and eventually a field house for our basketball program to expand.

CHAIRMAN BISHOP:

Legislator Lindsay, this is your resolution. It says on my caption, it is probably outdated, this is now a Greenways active recreation resolution? Okay. Well, that is what the Greenways active recreation program was created to do.

MS. MILANO:

And we supported that many years ago. Right now we are up to 3,500 boys and girls playing. Lacrosse has started a girls program. We are just looking to expand and obviously we have most of the resources to develop it with no cost with the town.

CHAIRMAN BISHOP:

Oh, really. So if we approve this, your organization would pay for the conversion of the land into a park?

MR. MILANO:

That's correct. Right now it is a wooded area. We are looking at a – most likely a three step process where we do our site plan and get the land cleared first, secondly get the football and lacrosse going and some baseball fields, and thirdly would be the field house.

CHAIRMAN BISHOP:

Actually, you'd be eligible for up to \$100,000 from the County to do that as well as your own treasury. Are there any questions on that?

LEGISLATOR CARACCILO:

I have a question for the sponsor. Bill, how close to residential areas would this property be located?

LEGISLATOR LINDSAY:

The property is rather unique because it is right adjacent to the airport. There are residences all around it. There was just an application to build more apartments there, and it was rejected by the town because there is a feeling in this whole community not to be any more residential development in the area because of the proximity to the airport. So, this is really an excellent use for this property.

LEGISLATOR CARACCILO:

The only reason why I raise that is that in my own district when I embarked on what I thought would be something beneficial to one of the local

communities, there was a tremendous amount of local opposition because people didn't want these fields located in their backyard. I would just suggest that you may want to let the neighbors know that this is something being contemplated.

LEGISLATOR LINDSAY:

I think it is just the opposite in this particular situation. There was quite an uproar about the apartments being built there in the community. I think they would probably welcome a park in lieu of more congestion.

MR. MILANO:

We had that similar situation when we built Smith Road field. We put a buffer up. There wasn't as many trees as there is now, so there would be a buffer around the perimeter leaving some trees so the neighbors wouldn't see the fields, they would have a buffer. Like we just mentioned, the neighbors I feel would rather have a ball field where we limit the time we start on a Sunday so they can sleep late, and it is better to have that then what we had at Smith before we took over, which was basically an empty lot and there was the beer bottles and all the other things that you could think of. Here we just have an open wooded site, and we haven't walked inside deep, but I am assuming the neighbors would think this was a good idea.

LEGISLATOR CARACCILOLO:

I just make the suggestion again because I think once you reach out to those folks they will appreciate it and not wake up one morning and find out –

MR. MILANO:

No, I would walk door to door. I have done it when I was building Smith.

LEGISLATOR CARACCILOLO:

I am sure you intend to be a good neighbor and I think the way you start is by reaching out to them before you start any construction.

MR. MILANO:

Absolutely.

CHAIRMAN BISHOP:

Legislator Alden.

LEGISLATOR ALDEN:

Sir, do you live in that neighborhood?

MR. MILANO:

Yes.

LEGISLATOR ALDEN:

Okay. So your sense of what the neighbors would like and what they wouldn't like is kind of with your contact, what you have ascertained by your contact with neighbors?

MR. MILANO:

And experience with the league. I have been with the league since 1984. I just now sit on the board. I am one of seven on the board. We are in the kids business.

LEGISLATOR ALDEN:

Do you have a public hearing scheduled or anything?

MR. MILANO:

Excuse me?

LEGISLATOR ALDEN:

Do you have a public hearing scheduled or just some kind of community forum?

MR. MILANO:

I am not exactly sure of the question.

CHAIRMAN BISHOP:

I think the answer is no. I think we can glean from that no.

LEGISLATOR ALDEN:

I am just following up a little bit on what Legislator Caracciolo is talking about as far as reaching out to the neighborhood itself.

MR. MILANO:

Obviously if this is a go for us, before anything happens we would walk the neighborhood and tell them who we are, give them contact numbers. I remember Mr. {Giuliani}, who was up at Smith, had a couple of concerns. He called me directly at the home and they were addressed.

LEGISLATOR ALDEN:

If there is enough votes to move it today, I would really want to see something like that before next Tuesday if you could get some kind of contact with the people because it is not that large of a neighborhood, right?

MR. MILANO:

Not a problem.

LEGISLATOR ALDEN:

It wouldn't be? Good.

CHAIRMAN BISHOP:

All right. The next speaker is Kevin Guilfoyle. I guess that concludes on that.

LEGISLATOR LINDSAY:

Well, before we go on, and just if I may answer one of the concerns that Cameron had. In this area, there is a lack of facilities for the youth. There is a definite shortage of it. SYAG has really been – is the primary group in the area that does all this stuff for the youth and they work with four of our

Legislators here because they interface with my district, Brian's districts, Andrew Crecca's district and Joe Caracappa, and we have all been working with them to kind of see what we can do to help them along because they are really desperate for space and this seems to fit the bill, especially because of the proximity to the airport.

CHAIRMAN BISHOP:

Legislator Foley has also joined us.

LEGISLATOR FOLEY:

Thank you, Mr. Chairman. Just to echo Legislator Lindsay's remarks, the fact is there are four Legislators that work with this youth and athletic organization and this will help not only this particular in Islip, but will really help the kids, the children in three different townships, whether from Brookhaven Town, Smithtown, or the Township of Islip. And as difficult as it may be to believe, these areas are still experiencing growth. There are a lot of kids, both boys and girls, who need additional space. It is not just an issue in Western Suffolk but also in Central Suffolk, and this will go a long way – Legislator Lindsay's resolution will go a long way in meeting those space needs, if you will, the athletic space needs for those children. So I do hope that this is reported out of committee. Thank you.

CHAIRMAN BISHOP:

All right. Thank you, Mr. Guilfoyle. Thank you, Mr. Milano.

MR. GUILFOYLE:

Good afternoon. My name is Kevin Guilfoyle. I am Vice President of the Holbrook Chamber of Commerce and I am here to speak about the land acquisition on Main Street in Holbrook.

This particular property was identified about two years ago when we first got started with the downtown revitalization funds that the County provided to us. It is one of the last remaining pieces along Main Street that is not developed. It has the potential, I guess, for some commercial development, but it was identified by our revitalization committee as well as the Civic Association as well as the Town of Islip as an opportune place as an identity marker, a tot lot, what have you, more or less a village green area for our community. Our community lost one of the magnets of our downtown a few years ago when the Post Office vacated its Main Street location and moved three miles to the east and created no identity for our community at all. We would strongly urge the Legislature to consider very seriously this purchase. Are there any questions?

CHAIRMAN BISHOP:

I have a question and Legislator Alden has a question. Go ahead.

LEGISLATOR ALDEN:

Are you going to do something like an adopt-a-park?

MR. GUILFOYLE:

What we have done, we have not received a great deal of money. We are

grateful for every cent we got from the County as far as downtown revitalization, and we have used that to leverage other monies from private donations. As a matter of fact, we had a first year country fair this year. We raised a good sum of money in cooperation with Sachem. What we are having now, most of the streetscape improvements that we are doing in the community, we just completed a large bus shelter that was being designed and built by Sachem High School. So we have a cooperative arrangement with them as well as a matter of fact Home Depot has supplied materials for us.

So what we would be doing is we would be maintaining the parcel, probably putting – making it a village green. I am not saying this would be done overnight, but within probably two years it would be a very, very worthwhile looking improvement.

CHAIRMAN BISHOP:

Okay. I am just having conversation with Counsel for Legislators. This would ultimately be coming out of the multifaceted program which begins next year. This, of course, is for planning steps at this time. No further questions, I don't think. Okay. Thank you both. Thank you, Holbrook. I have one other card. Mr. Turner

MR. TURNER:

Good afternoon. I am planning on just reading a letter into the record for the Legislature to review. It relates to Introductory Resolution 1949, which is before the committee today.

“Good afternoon. My name is John Turner and I serve as Director of Conservation Programs for the Long Island Chapters of the Nature Conservancy. I am here today both to express the support of The Nature Conservancy for I.R. 1949-2001 and to express our appreciation to Suffolk County Legislator David Bishop for incorporating language into the measure which addresses our previously expressed concerns regarding Local Law 34-1999, which this resolution amends.

Our programmatic involvement in these two County measures relates to an interest in the Suffolk County Parks Department, and The Nature Conservancy acting on the Department's behalf, having the ability to apply herbicides on ecologically significant lands managed by the Department, to control invasive plants. These invasive species, such as Asiatic bittersweet, purple loosestrife, garlic mustard, and Japanese barberry, pose a threat to the integrity and stability of natural systems. They threaten these ecosystems by out-competing and displacing native species, altering community structure and composition and, on an ecosystem or landscape scale, can alter important ecological processes such as nutrient recycling. From a national perspective, conservation planning has determined that invasive species pose a major threat to biodiversity second only to direct habitat destruction.

Currently, we are seeing the adverse ecological impact of invasive species in

a significant number of parks and preserves throughout Nassau and Suffolk Counties. These range from the Shu Swamp Preserve in Mill Neck, Oyster Bay where the spread of garlic mustard is displacing a number of spring blooming wildflowers, east to the Long Pond Greenbelt, south of Sag Harbor, where parts of a globally rare natural community – coastal plain pond shores – is threatened by the spread of phragmites.

There are a variety of strategies utilized to control invasive plants. These include mechanical, biological, and chemical means. Mechanical techniques include pulling, cutting, flooding, mowing and burning to control or eradicate target plants. The use of biological control agents typically involves the release of species-specific organisms such as insects which feed on the plant's leaves, stems or roots. Several species of beetles and weevils, for example, are currently being used in an effort to control purple loosestrife at Montezuma National Wildlife Refuge in Upstate New York. Chemical approaches typically involve the use of herbicides, which generally are only used as a last resort when other methods are not effective or available.

It is important to note these different control strategies can and do vary widely in their effectiveness, applicability, and cost. No single strategy is appropriate or suitable in all cases. Invasive plants are usually most effectively controlled by implementing a few or several strategies simultaneously, such as cutting followed by a limited application of herbicides. In our view, the careful and judicious use, and I want to underline that, the careful and judicious use of herbicides is an essential and highly effective tool in the land manager's "invasive species toolbox."

Local Law 34-2001 is intended to significantly reduce the amount of pesticides applied on County-owned property, an overall goal The Nature Conservancy supports. However, for the reasons stated above, we would be concerned if the County prohibited the judicious use of pesticides for ecological management purposes. We are pleased, therefore, that I.R. 1949-2001 includes a process and framework for issuing an exemption, allowing the application of certain pesticides, under select conditions. This exemption would be on a case-by-case basis "on the special use property" situated throughout the County. Because of this provision, 380-5(E), I am here today to express the organization's strong support for the above-referenced resolution.

I appreciate the opportunity to share The Nature Conservancy's perspective with you regarding I.R. 1949-2001 and would be pleased to try to answer any questions or respond to any comments Legislators might have on the issues I've discussed. Thank you."

Did I use up my three minutes?

CHAIRMAN BISHOP:

You lulled them to sleep.

MR. TURNER:

I know. I noticed that.

CHAIRMAN BISHOP:

You have more time if you want.

MR. TURNER:

I also want to just take the opportunity on a different matter to express the Conservancy's support for Sense Resolution No. 91, which I think calls on a basically a partnership among a number of different levels of government to acquire what we call the Roseland parcels, a set of four parcels that are located out in Central Brookhaven along the Carmens River, on both the west and the east side of the Carmens River, adjacent mostly to existing County park holdings. It is a resolution that was introduced by Legislator Towle and it is one that we support and I wanted to express that to you.

CHAIRMAN BISHOP:

Thank you, John. Are there any members of the public who wish to be heard? Why don't we bring up the usual suspects, that is Planning or Real Estate, Parks.

Are there any resolutions you want to comment on or should we go to the agenda and if Legislators have questions call upon you? Tom, is there one you want to comment on?

MR. ISLES:

No. We have some comments along the way, but maybe it is best to go through the agenda if you'd like to.

INTRODUCTORY PRIME

1949 Adopting Local Law No. –2001, A Local Law to implement recommendations made by the CAC in connection with phase out of pesticide use on Suffolk County Properties. (Bishop)

CHAIRMAN BISHOP:

All right. We'll do it that way. Everybody is here. We are ready to go. Legislator Binder is not in the room.

LEGISLATOR FISHER:

Mr. Chairman, while we are waiting to begin the agenda, may I ask a question about your legislation? There are two provisions for the Community Advisory Committee, number one and number seven, which look identical and I am not sure which Chairman would be appoint –

CHAIRMAN BISHOP:

The Health Department that is being changed. This committee meets on Wednesday. We haven't – on Tuesday, normally on Monday, we have until Wednesday to make a change. The change has been requested. The way the committee is currently operating, the Health Department is providing the Chairperson and we want to reflect that in the resolution and we don't want to change that.

LEGISLATOR FISHER:

Okay. Because right now it says Energy, Environment and Transportation Committee Chair under the first member.

CHAIRMAN BISHOP:

Paul.

MR. SABATINO:

I think you were talking about two different concepts. Your question is – I understood Legislator Bishop because I know what he was talking about. You are saying –

LEGISLATOR FISHER:

If you look under Community Advisory –

MR. SABATINO:

Right, I am. You are talking about one and seven.

LEGISLATOR FISHER:

Number one, the Chairman –

MR. SABATINO:

No, that was the compromise at the time the bill was done originally. Understand what you are looking at is not underlined. That is the existing statute from three years ago. At the time the compromise was to have two positions so that is why it was written as number one and seven. They were intended to be identical to have two people with that background.

LEGISLATOR FISHER:

All right, that was my question, why we had a redundancy there.

MR. SABATINO:

You are absolutely correct –

LEGISLATOR FISHER:

And also that committee no longer exists. Energy, Environment and Transportation had been a committee two years ago. It is no longer a committee.

MR. SABATINO:

It says or any successor committee thereto. I put the language in, or any successor committee thereto.

LEGISLATOR FISHER:

So which is the successor committee? It is Environment?

CHAIRMAN BISHOP:

It is not an energy issue, so it is Environment.

MR. SABATINO:

The successor committee is the Environment.

LEGISLATOR FISHER:

Okay. Well, it is just good to clarify.

MR. SABATINO:

I am only laughing because the question came up about a month ago, and you are absolutely right.

CHAIRMAN BISHOP:

Let's go to the agenda.

LEGISLATOR GULDI:

I have a question. Since we are starting on the agenda, this question is on the same bill, which is the first item on the agenda. In any event, the question is the exemption procedure states that the CAC may grab the temporary exemption in the case we are just discussing, subdivision E. The question I have, is that a simply majority of the CAC or a simply majority of those attending a meeting? And if something is controversial enough to split the CAC, would the author, since you are going to make amendments anyway, be open to the suggestion that unless a certain specified threshold vote of CAC members is met, that the exemption application should come to the Legislature for review. I mean, we have a similar structure we use –

CHAIRMAN BISHOP:

I think the exemption is supposed to be emergencies, so sending it to the Legislature is probably not going to achieve its purpose. On the first part of the point, however, I agree, so maybe we should say –

LEGISLATOR GULDI:

The thing we do at the Airport Leasing Committee is we vest the Airport Leasing Committee with full jurisdiction when it acts unanimously. When it acts less than unanimously then there is a legislative review. I suggest – as just a suggestion you consider some threshold of a two-thirds majority or more than that decision should be final. But if there is a certain – if it is controversial enough that the CAC splits on it, the Legislature should retain its oversight function and be the, if you will, the appellate level to go to. Just by way of suggestion I think it is workable.

CHAIRMAN BISHOP:

How many members of the CAC are there, Paul?

LEGISLATOR GULDI:

Nine.

CHAIRMAN BISHOP:

Perhaps in the statute we should write in five instead of just a simple majority.

LEGISLATOR GULDI:

Well, five is a quorum.

MR. SABATINO:

It is two different issues. Right now it is a nine member group. It would be a majority of the entire membership, five votes. But Legislator Guldi is –

CHAIRMAN BISHOP:

I know. He is saying if it is a six-three vote –

MR. SABATINO:

That would require language.

CHAIRMAN BISHOP:

These are requests that the CAC requested.

LEGISLATOR GULDI:

Right, and I understand that.

CHAIRMAN BISHOP:

I don't know if they are looking to strengthen their power even further. I would be hesitant to –

LEGISLATOR GULDI:

As a Legislator, if there is a controversy in CAC on the pesticide exemption, I think it should come to the Legislature is what I am suggesting to the sponsor. Where that threshold should be drawn is one that there is a fair amount of latitude as to – I mean, if it's a five – four vote that the CAC issue an exemption, I think it belongs here for sure. If it is a six – three vote maybe it does anyway. But, I wanted to suggest to the sponsor that some super majority for the declaration of emergency to spread poisons and preserve land, if there is controversy at the CAC level I think we should retain an oversight function.

CHAIRMAN BISHOP:

What I would suggest is perhaps a separate bill. I am not sure that your opinion is shared by everyone, and the CAC has been waiting for this measure for some time. I would be hesitant to hold this up.

LEGISLATOR FISHER:

I have another question.

CHAIRMAN BISHOP:

We have to have a public hearing? I thought it was eligible today.

LEGISLATOR FISHER:

The public hearing is the 20th. Isn't the public hearing the 20th, Paul?

CHAIRMAN BISHOP:

I think we have just solved the problem.

MR. SABATINO:

The public hearing is, because it was laid on the table on the 23rd, the public hearing is coming up.

CHAIRMAN BISHOP:

We are going to table it anyway. I will take that change –

LEGISLATOR FISHER:

Okay. I have another question, however, before we table and before we leave this issue. Paul, I see that (D) is in brackets. Does that mean that that is going to be omitted and replaced by the new (D)?

MR. SABATINO:

Correct. The –

LEGISLATOR FISHER:

I don't see (D) and (E) as mutually exclusive. I see them as two different issues. The language in (D), I remember when we discussed this and we spoke about emergencies where there were health emergencies, where there were imminent dangers and we needed to respond to that and thus waive the rules of pesticide use. (E) seems to be not responding to an imminent danger in an immediate emergency, but rather the kind of situation that Mr. Turner described which I think is a broader view. I think there are two separate issues. I don't see them as being mutually exclusive.

MR. SABATINO:

The reason it was done this way is there was a letter that was generated by the committee. They had a series of recommendations. I was asked to incorporate the list of recommendations. Their reasoning – I hear what you are saying. I can't speak for what their reasoning or what their logic was, but they are not legally mutually exclusive. It was just a suggestion that was made by the working group. I mean, you wouldn't be obligated legally to do it, but it was something that they requested.

LEGISLATOR FISHER:

But going back to Legislator Guldi's question, okay, where he has requested that if the CAC were to determine that the rules should be waived in an emergency situation, such as is described in paragraph (D), I would not expect that to come back to the Legislature for legislative approval. However, in the case of the new paragraph (E) it would seem to me that there would be enough time for the Legislature to approve because we are talking about a broader use and perhaps not as clearly defined use of pesticides here where I think legislative oversight might be implemented and required. I would prefer to see (D) and (E) to remain intact in this. I just think they are two separate things. One is land management and wildlife management, and one is an emergency situation such as a mosquito epidemic or something.

CHAIRMAN BISHOP:

Since this has to be tabled for public hearing, what I would ask that you do is to contact the Chair of the CAC and discuss with them whether they realize the implications of changing (D) to (E).

LEGISLATOR FISHER:

Who is the Chair? Is it Claire Bradley?

CHAIRMAN BISHOP:

It is her designee.

MS. JUCHATZ:

My name is Amy Juchatz and I am Dr. Bradley's designee as the Chair of the CAC. I think I can shed some light on the reasoning. It wasn't – the recommendation that we offered to exclude or take out section (D) was not because of section (E). They were totally separate as you observed. The reasoning was it was our understanding, and unfortunately I wasn't with the County at the time during the deliberations of this resolution, the initial resolution, 34-1999. But it was my understanding that this appeared to be a remnant from an earlier draft because it refers to the Suffolk County Board of Health, which is really no longer part of the final resolution. It just resides that authority for emergency waivers just resides with the Commissioner of Health Services.

Also, if you – I believe that it refers within that section (D) to section 380-5, which is actually the section that we are looking at right now. So it seemed that it was language that perhaps had been – remained in there when other changes had taken place. It was no longer –

LEGISLATOR FISHER:

It is a vestige. So there is the authority to waive the rules, the pesticide provisions.

MS. JUCHATZ:

Let me find it real quick for you.

MR. SABATINO:

Go back to page three under paragraph number seven. That is where the Health Commissioner can declare public emergency and taken certain action. That was in the original statute from day one. If you look at the bottom of page three, number seven.

LEGISLATOR FISHER:

I see it here. Okay. Well, that certainly makes it much clearer, because if it were (E) being substituted for (D) that wouldn't be logical, but looking back at page three it certainly makes more sense. Thank you.

LEGISLATOR GULDI:

Since we have you, was there any consideration to the CAC's majority or

divergent majority or disagreement within the CAC about the declaration in paragraph (E)? Was it ever discussed?

MS. JUCHATZ:

We have discussed how we would handle this, anything less than unanimous, and so far we haven't had to come across that. Not so much only in regard to section (E), but we've had discussions on what we would need to do just in normal deliberation. If I recall from actually it was our last meeting we had somebody from the Law Department and it seemed that the way we need to go was with a quorum and then a majority of that quorum. I think that there are nine people that are listed in the resolution as members of the CAC. I think only eight have been appointed. So again, I am not sure how that plays into it.

LEGISLATOR GULDI:

So it is conceivable under that scenario that if three members of the CAC at a meeting were in favor of issuing a section (E) waiver and two members were opposed, that that would be sufficient in the opinion of the County Attorney for the CAC to authorize such a waiver?

MS. JUCHATZ:

I am not sure about the legal. I can say that I don't think – our CAC has really been working hard to work together, so I don't think that we would – if we only had five people three and only had three and two opposed, I think we would work a little harder to get the other members –

LEGISLATOR GULDI:

Yes, obviously. I think, though, at some threshold that we perhaps for issuance of waivers we should have a higher threshold than a simple majority.

CHAIRMAN BISHOP:

The language I am considering and perhaps it meets with your approval, is if more than two members of the CAC vote against an emergency waiver under section (E), then that waiver would have to come to the Legislature in order to be adopted. Is that how you work it? That seems reasonable to me.

LEGISLATOR GULDI:

That will give the CAC an opportunity to dump it back in our lap.

CHAIRMAN BISHOP:

Right.

MS. JUCHATZ:

I think it would be helpful for us in guidance.

CHAIRMAN BISHOP:

You will really be thrilled when that happens, let me tell you.

LEGISLATOR CARACCILO:

Question. Who are the current members of the CAC? Who are the actual members, not the representative members, but who are they, Amy?

MS. JUCHATZ:

Let's see if I can get everyone from memory. Elsa Ford is a member, Adrienne Esposito is a member, Steve, {Resmeyer} is a member. We have Dominick Ninnivaggi from the Department of Public Works who is a member. Health has a member, myself. We also have Bill {Sannick} from Cornell Cooperative Extension –

CHAIRMAN BISHOP:

Don't you have a doctor?

MS. JUCHATZ:

Yes, we have a doctor from Stony Brook, family medicine, Dr. {Raja Jaber}, who is also a member.

CHAIRMAN BISHOP:

And that is eight. Okay. And those are very diverse people with very different perspectives and they are working very well.

Motion to table for a public hearing by myself, seconded by Legislator Fisher. All in favor? Opposed? **(Vote: 7/0/0/0)**. And we have a consensus of the committee to do that change with the more than two then it would come to us. So we will make that change.

1952, 1953, 1954, and 1955 are all planning steps resolutions for the Hogan Estate. We heard from members of the community earlier. Let me ask the Planning Department, have we looked at this purchase in our Open Space Program, and which fund should we do the planning steps out of if we are choosing to move forward on planning steps?

MR. ISLES:

I make the following comments. It would potentially be eligible and there would be funding potentially available under resolution 1952, which is the pay-as-you-go quarter-percent program in the sense that it does qualify as being within the Long Island Sound management area, so that is a possibility. At this point in time we do not have an appropriation of money for planning steps for that although that is on later on today on resolution 2004.

The second one, 1953, does not appear to work because it is in the old quarter percent money under 12-5(e). Currently there is about \$50,000 in the Huntington account which would obviously not be enough for this parcel.

CHAIRMAN BISHOP:

Well, it would be enough for the planning steps, though.

MR. ISLES:

Yes, that is true. It certainly would be enough for that.

CHAIRMAN BISHOP:

Where are they going to get land in Huntington for \$50,000? That might be the right way to do it. They are going to get a very little strip.

MR. ISLES:

That is just what is leftover in that account, which is – it does raise the point as to how do you clean out those accounts, but –

LEGISLATOR FISHER:

How much is left in that?

MR. ISLES:

In Huntington it is about \$52,000 in the 12-5(E) program. The third one is 1954, which is a proposal for acquisition under active parklands under Greenways Program. There is funding available on that program as we speak. I will point out that this was, from my understanding, formerly a campground. I have not inspected the site and certainly Commissioner Scully, his office and Commission Scully directly would have to be involved, at least in terms of the administrations procedures, review of these matters, and there are certain requirements of that program that would have to be satisfied.

And the last one is under the Land Preservation Partnership. That program is definitely oversubscribed at this point, so there is not funding based on current acquisitions and negotiations in place.

So in answer to your question, it would be 1952 as a possibility and 1954 as a possibility.

CHAIRMAN BISHOP:

Or my choice, which is 1953 because we have money in that account which we are unlikely to be able to expend, to spend, so why not?

MR. ISLES:

Then want it to switch later on obviously for the acquisition –

CHAIRMAN BISHOP:

Yes, just for the planning steps.

LEGISLATOR FISHER:

That's a good idea.

CHAIRMAN BISHOP:

Motion – I am going to urge that we do that 1953 since it makes the most sense.

LEGISLATOR CARACCILO:

I have a question that I raised with previous speakers. We said we would wait until we got to the resolutions, so we here we go, Tom. Who is the current owner?

MR. ISLES:

Okay. According to our review of the records that we have in the County the owner is indicated as John V. Hogan. Now, that is a little bit different than what is on the resolution. There may have been a change perhaps. As far as the contract vendee we don't have access to them. We don't have that information. We received this resolution about a week and a half or so ago, so our review thus far has been very preliminary.

LEGISLATOR CARACCILO:

Based on your review, who has title?

MR. ISLES:

Based on our review it is John V. Hogan.

LEGISLATOR CARACCILO:

So the resolutions don't bear the correct property owner.

MR. ISLES:

The resolution apparently says Madeline. It could be we are wrong, we are not saying that we are the definitive source on that, but it appears that it is John Hogan from the information that we have.

LEGISLATOR CARACCILO:

In the aggregate we are talking about 24 acres or something like that?

MR. ISLES:

Twenty-four point three acres of land.

LEGISLATOR CARACCILO:

And we have four resolutions because?

MR. ISLES:

I can't speak for the sponsor of the resolutions.

CHAIRMAN BISHOP:

I spoke to the sponsor's staff who are here, they could answer it also. I think what he was saying please do planning steps and pick your program which you will do planning steps out of.

LEGISLATOR CARACCILO:

So in other words, we should pick one of the four.

CHAIRMAN BISHOP:

For planning steps. I just want to emphasize –

LEGISLATOR CARACCILO:

For planning.

CHAIRMAN BISHOP:

Right.

LEGISLATOR CARACCILO:

And what would the appraisal and other preliminary costs associated with an acquisition of this size in this area approximately be?

MR. ISLES:

If I can give an estimate. It is certainly not a quote or anything. The appraisal might be in the range of about \$5,000 – three to \$5,000. A survey could be – also would be required and that could be – we could put the survey off a little bit according to – so we would say the three to \$5,000 range for an appraisal at this point.

LEGISLATOR CARACCILO:

As you know, Tom, whenever someone comes to me in my district and says they think the County should buy some property we have a meeting, we sit down with them, and we always try to determine whether or not the current owner is a willing seller. We heard that the contract vendee is a willing seller, but we don't know that he has title to this property, do we?

MR. ISLES:

I personally don't know that for a fact.

LEGISLATOR CARACCILO:

So I raise the issue of whether or not, you know, (a) the resolution has properly identified the property owner. I don't understand and I would like an explanation from someone as to what is the relationship between the reputed owner and the contract vendee. What is the relationship? What does that imply, contractor vendee?

CHAIRMAN BISHOP:

They have a contract of sale.

LEGISLATOR CARACCILO:

Do you know, Tom?

CHAIRMAN BISHOP:

George probably –

LEGISLATOR CARACCILO:

Do you know on this particularly property?

LEGISLATOR GULDI:

I know the term –

LEGISLATOR CARACCILO:

I know the term also, I am saying on this particular piece of property.

LEGISLATOR GULDI:

On this particular property? Mike, you never know that.

LEGISLATOR CARACCILO:

Well, I'd like to know. I would like to know what this person purchased this property for, when they purchased it, and if somebody is trying to make a quick profit at taxpayers expense.

LEGISLATOR GULDI:

The contract vendee, Mike, would be by definition someone who has not take title. They have a contract to purchase the land on terms which gives them an enforceable contract to purchase the land by those terms. If they don't have an obligation to close promptly, they can and regularly people flip the contract for a profit. Our protection as a government acquirer of land is through our appraisal process and our prohibition about purchasing land for more than appraised valuation.

CHAIRMAN BISHOP:

Let me make two points. One is to reiterate what he just said, which is you don't know – our best protection is to get an appraisal which establishes facts. The second point is that by going into this program, the 12-5(E) program, you are guaranteed that you won't – you'll have a second bit at this apple because there is no way \$50,000 is going to buy 24 acres on Long Island Sound.

LEGISLATOR GULDI:

Not even in your district.

CHAIRMAN BISHOP:

Not even in 1865.

LEGISLATOR CARACCILO:

I bring this issue up because as Tom Isles knows, in the most recent political campaign my Democratic opponent has made charges which I will investigate that the County has in fact made purchases of property from owners that have had them for very short periods of time and have made millions of dollars in the process. Now, we will see whether or not whether those are relevant facts, not relevant facts, but factual facts, and we will get to the bottom of that.

CHAIRMAN BISHOP:

Are you accusing Tom of being in cahoots with your Democratic –

LEGISLATOR CARACCILO:

Not at all. Let me make it clear for the record I would never accuse Mr. Isles of being a party –

LEGISLATOR GULDI:

Mike, for example, because it came up in connection with another matter, I had occasion to review the Chandler Estate file. In that file the Toussie's,

both of them, negotiated with the County a sale. One month before closing that sale, which was negotiated for a very protracted period, they transferred title to the property from the Toussie Family Trust to a corporation called Chandler Estates LLC and then sold it from Chandler Estates LLC to Suffolk County. By taking the property out of the trust it was doubt because of perceived tax advantages because of other transactions that the LLC could engage in. So it essentially spun the game on the sale from whatever the cost basis was to a corporate shell. But the ownership interests, the ultimate beneficial owners no doubt were still the designated beneficiaries under the trust within the discretion of the trust provisions. There is no reason – whether or not the seller is stepping is transaction, if you will, through multiple owners does not affect its valuation for appraisal purposes. That is why we use the mechanism we do.

LEGISLATOR CARACCILO:

In your review of the Chandler Estate, were those appraisals consistent with current market values?

LEGISLATOR GULDI:

They were consistent with market values at the time we acquired the parcel. In fact, I have done independent research that indicated that the County purchase price was a million dollars lower than a private arm's lengths negotiated contract for the parcel was five years earlier. So given the market escalations, I mean, not only was the appraisal right on, it was validated repeatedly by the history on the parcel.

LEGISLATOR CARACCILO:

Well, then I would suggest you provide that information to Newsday, who has been calling me and other Legislators for information that I don't have. You obviously have this information. You will be doing everyone a public service by sharing that information.

LEGISLATOR GULDI:

And it has been provided to Newsday and not reported.

LEGISLATOR CARACCILO:

Very interesting.

MR. ISLES:

One comment I would like to add if I could, please. Number one is that if our planning steps resolution were authorized we would do a last owner search prior to ordering in appraisal and so forth. So we would check that and then contact the owner officially. The owner then says, well, I am in contract to sell it to so and so, we would then contact that person.

LEGISLATOR FISHER:

Excuse me, Mr. Chair. I had just asked Legislator Cooper's Aide to check as she had mentioned earlier that Mrs. Hogan is an elderly woman and I asked her was John Hogan deceased and she said yes, so the owner isn't the owner that you have listed. So that would come out in discovery as you went

through the planning steps.

MR. ISLES:

Just the last one I would like to make, Mr. Chairman, and that is that it is our point of view from the Department and the administration that in terms of funding these planning steps under one funding program, i.e. being 12-5(E), for example, and then acquiring it under another program is not a permissible or not a practice that we would support. We had gotten into this question on another parcel and we had asked for an opinion from bond counsel and they provided that to us a couple of months ago. So, I just wanted to make that point in terms of the tapping into the 12-5(E) account with the idea –

CHAIRMAN BISHOP:

Why would bond counsel object to using a fund that is pay-as-you-go to draw it down, to do an appraisal of property that subsequently the Legislature would authorize the purchase of out of another program. I don't see – it is a separate vote because it is a separate program. When we authorize planning steps we are not authorizing purchase in any way. You can't negotiate. You are just preparing for negotiation.

MR. ISLES:

I don't really want to debate the point except to say that the –

CHAIRMAN BISHOP:

You throw it out there.

MR. ISLES:

In the case before it was viewed as being too far astray of what the ultimate acquisition was going to be under and to expend monies under one program then switch to another program completely different, we were advised that we should not be doing that or encouraging it.

CHAIRMAN BISHOP:

Well, you are not encouraging it. Hopefully we will do it. All right.

LEGISLATOR CARACCILO:

Before we leave the issue, 24 acres in the Town of Huntington in this area, a ballpark low, high range –

CHAIRMAN BISHOP:

A lot of money.

MR. ISLES:

I don't know. I can only tell you what I heard at the open – the public hearing session of this committee meeting where I believe someone said that the contract price was 2.8 million. I think that was on the record. So, I am just telling you what I heard. We haven't done any estimate of value in the department at this point in time.

LEGISLATOR FISHER:

Just one more question, Mr. Chair. If you don't recommend 1953 and that program, Tom, you really didn't indicate that there was sufficient money in any of the other programs for this.

MR. ISLES:

Well, potentially under 1952 there is because there is a later resolution on today, I.R. 2004 –

LEGISLATOR FISHER:

You are correct.

MR. ISLES:

Setting aside money for planning steps, so that could potentially be used and it would qualify under that program.

LEGISLATOR FISHER:

Okay. And Mr. Chairman, why are you opposed to 1952 as the program?

CHAIRMAN BISHOP:

Because logically there is money trapped in the 12-5(E). That is the money that was collected under the old quarter-cent which goes to a particular town under formula for land purchases. They have \$50,000 left in the account. You are not going to be able to purchase any land in Huntington for \$50,000. Why not draw down on that account for all these planning steps resolutions that we have been getting –

LEGISLATOR FISHER:

Rather than drawing down on the \$300,000 that we've just set aside in the other – or are about to.

CHAIRMAN BISHOP:

Right, to go Countywide. So this is dedicated Huntington money for a Huntington purpose. I just spoke to Counsel and I will let him say it, but essentially I think he agrees with me.

MR. SABATINO:

Yes, as long as the second resolution, the one that actually does the authorization, clearly delineates that it is authorizing the acquisition under the pay-as-you-go money. The other option is to do what the Chairman is saying up to the end of this year and then if at the end of this year there is still a little bit left, like say there is \$28,000 left, then what I would do next year is I would use first dollars for the acquisition to clean out the \$28,000 and then do the balance from the pay-as-you-go. It is important to try to conserve as much of the money as possible.

CHAIRMAN BISHOP:

And under 12-5(E), the Huntington account. So if that is amenable with

everybody, let's –

LEGISLATOR CARACCILO:

Final question. The ultimate acquisition would be jointly shared with other governmental entities, i.e. town, State or whom?

CHAIRMAN BISHOP:

I think to get the votes that is a political question more than a –

LEGISLATOR CARACCILO:

Well, then I have to tell you, if you are talking 28 acres on the Sound in Eaton's Neck, it is a lot more than \$100,000 an acre because where I live in Baiting Hollow one acre right next door to me, \$375,000, on the Sound on the bluff. You are not going to tell me that Eaton's Neck real estate is less expensive. Jim, am I right? I would like to hear from Jim Burke. He is in Real Estate, he is the Deputy Director.

CHAIRMAN BISHOP:

I don't think there is any question that it is a very expensive parcel.

LEGISLATOR CARACCILO:

Well, because then you are going to spend money for appraisal and then you are not going to have the wherewithal to carry through.

CHAIRMAN BISHOP:

Here is what we have established.

LEGISLATOR CARACCILO:

Can I have Jim Burke answer my question?

CHAIRMAN BISHOP:

In a moment. We've established so far that this is high on the town's priority list. They have not yet passed a land partnership preservation resolution, nor have we passed any authorization to purchase this. We are not asked to today. We are simply asked to do a planning steps resolution. Also, the State of New York has been approached, the Legislator for the area, the Assemblyman, said he was interested in pursuing it, and the community is going to a meeting of a New York State Open Space Council or something to try to get it –

MS. LoMORIELLO:

Two appraisals have been done by the State.

CHAIRMAN BISHOP:

So the State has done some planning steps as well. But the point is that we are not committing to anything today other than –

LEGISLATOR CARACCILO:

I understand that. That is not my concern. My concern is for the people who came and made a presentation, for the people in your community to have an understanding that a planning step resolution is just that. We may not have the financial wherewithal to make this acquisition even though once we appraise it we would like to. You have a willing seller, a willing buyer, but we don't have enough money because the County does have finite resources. That said, I just want the folks in the community to be aware of that.

Jim, ballpark. Eaton's Neck, waterfront property, an acre, how much?

MR. BURKE:

Well, of course it depends on the zoning which I don't know what it is and if it is wet or if it is dry. But if it is a dry piece, two acre zoning, no question, as you were saying, 375 an acre in Baiting Hollow, it is probably at least that number in this area. Although they did say that they have a deal for \$2.8 million was what the contract vendee bought it for, so maybe there is other mitigating factors.

LEGISLATOR CARACCILO:

Well, sure. He bought at 2.8. He wants to flip it for 28 million to the County. Not a bad deal.

MR. BURKE:

Well, that is what we'll have to find out.

1952 Authorizing planning steps for the acquisition of land under Pay As You Go ¼ cent Taxpayer Protection Program (Hogan Property at Eaton's Neck, Town of Huntington). (Cooper)

CHAIRMAN BISHOP:

I am going to make a motion to table 1952. Do I have a second to table 1952? Second by Legislator Binder. All in favor? Opposed? Legislator Caracciolo opposed. **(Vote: 6/1/0/0 Opposed: Legislator Caracciolo)**

1953 Authorizing planning steps for land acquisition under Water Quality Protection Component of the ¼ cent Drinking Water Protection Program (Hogan property at Eaton's Neck, Town of Huntington Property, Suffolk County Tax Map No. 0400-001.00-01.00-004.001). (Cooper)

Motion to approve 1953 by Legislator Binder, second by myself. All in favor? Opposed? 1953 is approved. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

1954 Authorizing planning steps for implementing Greenways Program in connection with acquisition of Hogan Property at Eaton's Neck for Active Parklands (Town of Huntington). (Cooper)

Motion to table by myself, second by Legislator Binder. All in favor? Opposed? **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

1955 Authorizing planning steps for acquisition under Suffolk County Land Preservation Partnership Program (Hogan property at Eaton's Neck) Town of Huntington. (Cooper)

Motion to table by myself. Seconded by Legislator Binder. All in favor? Opposed? 1955 is tabled. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

So the planning steps will go forward under 1953. Only 1952 is Legislator Caracciolo opposed to.

LEGISLATOR BINDER:

Mr. Chairman. I just want to have my vote recorded with the majority on 1949. I was out of the room.

CHAIRMAN BISHOP:

Yes. Thank you.

1957 Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax law at Bergen Point (West Babylon). (Bishop)

I will make a motion to table it for one cycle at the request of the Parks Department. Motion to table by myself, second by Legislator Fields. All in favor? Opposed? **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

1959 Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Property in Ridge) Town of Brookhaven. (Haley)

LEGISLATOR CARACCILO:

Cosponsor.

CHAIRMAN BISHOP:

Counsel, explanation. Can we do multifaceted authorization, next year's program?

MR. SABATINO:

Well, the answer is yes, you can do it. You can't fund it until you get to next year, but this cannot be adopted yet because we are waiting for the Longwood Youth Sports Association to come up with its commitment – this is going to be –

CHAIRMAN BISHOP:

Why isn't this under Greenways?

MR. SABATINO:

There is no longer sufficient money in Greenways, so under multifaceted there is a separate stage II active parkland component.

CHAIRMAN BISHOP:

I see.

MR. SABATINO:

But you can't get to the stage II until you get that Longwood resolution.

CHAIRMAN BISHOP:

Motion to table by myself. Second by Legislator Fisher. All in favor? Opposed? **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

1960 Making a SEQRA determination in connection with the proposed rehabilitation of the former Suffolk County Infirmary. (Pres. Off.)

What is the declaration?

MR. SABATINO:

This designation is type I because it involves property that is adjacent to a site that is eligible for the State Registrar of Historic Places.

CHAIRMAN BISHOP:

Type I implication is what?

MR. SABATINO:

Well, type I means it is going to have a little more of a review, but it is not going to be a full fledged environmental impact statement.

CHAIRMAN BISHOP:

Is there a motion on this? Motion to table for a severe lack of enthusiasm. A motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 6/0/0/1 Not Present: Legislator Alden)**. We'll take this up next time. Perhaps somebody from the department – Chris, if you can make a note, on 1960 the Department of Public Works next time needs to be here.

1961 Making a SEQRA determination in connection with the proposed construction of Equestrian Sand Ring at Old Field Farm County Park, Town of Brookhaven. (Pres. Off.)

LEGISLATOR FISHER:

Motion to approve.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by myself. All in favor? Opposed? 1961 is approved. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

1962 Making a SEQRA determination in connection with

reconstruction of CR 48, Middle Road, from Horton Lane to Main Street, Greenport, Town of Southold, Suffolk County CP 5526. (Pres. Off.)

Motion to approve by Legislator Caracciolo. Second by myself. All in favor? Opposed? 1962 is approved. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

2001 Implementing Greenways program in connection with acquisition of Farmland Development Rights at Blueberry Bay Farm Estate in Setauket (Town of Brookhaven). (Fisher)

LEGISLATOR FISHER:

Paul, I have to make a motion to table, yes, because I don't have the Brookhaven –

MR. SABATINO:

That's correct. We need a 30% commitment from the town.

CHAIRMAN BISHOP:

Motion to table by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed? 2001 is tabled. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

LEGISLATOR FISHER:

And by the way, we know who the owner is. They are willing sellers and we know that Brookhaven Town is on board. Jim Burke has been meeting with them.

2004 Appropriating funds for preliminary planning steps for Pay As You Go Open Space and Farmland Acquisitions. (Guldi)

CHAIRMAN BISHOP:

This is to create an account, I take it, to do appraisals.

LEGISLATOR FISHER:

We had discussed this.

LEGISLATOR GULDI:

This committee had asked the bill to be prepared.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? 2004 is approved. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

2020 Appropriating funds in connection with the County share for participation in the Clean Water/Clean Air Bond Act projects (CP 8233). (Co. Exec.)

Paul.

MR. SABATINO:

2020 is \$1.2 million in bond appropriations. This is going to pick up a program under the Clean Water/Clean Air Bond Act from the State to do leaching basins at the following locations. County Road 35, Park Avenue; County Road 48, which is Middle Road; County Road 32; the Ponquogue Bridge; Mattituck Inlet; Huntington Harbor; Shinnecock Bay. The County gets reimbursed 50% under this program so you have to appropriate the County share to pick up the State share.

CHAIRMAN BISHOP:

Nothing on the south shore. Only the east end and the north shore. Motion to approve by Legislator Guldi, second by Legislator Fields. All in favor? Opposed? 2020 is approved. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

Let us go now to the tabled resolutions and we will return to CEQ subsequent.

TABLED PRIME

1493 Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst (Town of Babylon). (Bishop)

This is scheduled for CEQ on November 21st, so motion to table by myself. Second by Legislator Fisher. All in favor? Opposed? 1493 is tabled. **(Vote: 6/0/0/1 Not Present: Legislator Alden)**

1494 Adopting Local Law No. – 2000, A Charter Law to promote Smart Growth by diversifying composition of County Planning Commission. (Fields)

Motion to approve by Legislator Fields. Second by Legislator Fisher. Counsel, can you describe what the changes are to the Planning Commission?

MR. SABATINO:

The membership would be reduced from 15 to 11 and the new 11 member composition would be as follows. There would be one representative with a background in real estate, one would be with a background in labor. One would be with a background in land use, land use regulation or environmental law, which would be an attorney with a background in one of those fields. The fourth category would be someone representing a publicly acknowledge environmental organization. The fifth member would be someone with ten years background or expertise in municipal planning. One member would be a village representative covering the five west towns. The seventh member would be a representative for villages within the five eastern towns. An eighth member would be a representative from within one of the five towns on the west end. The ninth member would be a representative form within one of the five east end towns. The tenth member would be someone with a

background in SEQRA and environmental review and in environmental law compliance. The last one would be someone with a background in municipal planning with at least five years –

CHAIRMAN BISHOP:

Who would make those appointments?

MR. SABATINO:

These would be Executive appointments subject to legislative approval – confirmation, rather.

CHAIRMAN BISHOP:

Now, who is getting knocked out?

LEGISLATOR FISHER:

Everyone December 31st.

MR. SABATINO:

Right now there are no background requirements. You don't have to fit into any category. The biggest difference is that you don't have that. In terms of the – it is reducing the numbers from 15 to 11.

CHAIRMAN BISHOP:

What is the current statute on appointments of the Planning Commissioner. It just says 15 members appointed by the County Executive?

MR. SABATINO:

It is 15 and you have to have someone – the villages of a population of less than a certain number I think and another one has to be represented for those villages with more than 5,000.

CHAIRMAN BISHOP:

When are their terms up? Scattered or –

MR. SABATINO:

The terms are all over the place.

CHAIRMAN BISHOP:

This supercedes the current terms that they have been –

MR. SABATINO:

Yes. Like any time you change – for example, when the Council on Environmental Quality was revised about eight years ago. What you do is you wipe out all of those terms and then you start from scratch.

CHAIRMAN BISHOP:

You don't know – I assume the sponsor wouldn't know off the top of her head, but perhaps you know, Paul, from your records when the last appointment –

MR. SABATINO:

The last appointment was earlier this year. It was defeated.

CHAIRMAN BISHOP:

Right. Of the current board, when would the last member sunset?

MR. SABATINO:

I would have to go pull the file. I don't know that from the top of my head. See, they change an entire board. I mean, what you do is –

CHAIRMAN BISHOP:

That is not a legal opinion.

MR. SABATINO:

What you do is you just cut them off. I mean, it has been done on many occasions, otherwise you can't –

CHAIRMAN BISHOP:

My personal concern is I would like to see the change, but I would like to see the change when our commitment to the current members expires. I would assume that most of them – I believe many of them are there holdover, right? They are just hanging out there.

MR. SABATINO:

Well, no. You just reappointed Eversoll and Parr was reappointed. That was last year. London was not, but he is continuing as a holdover. I mean, I can pull the list. I would rather talk from –

CHAIRMAN BISHOP:

Okay. I would ask that you pull the list, but maybe you should wait until we go to CEQ because we may not need you at that point. Can we defer consideration of this until –

LEGISLATOR GULDI:

Sure.

CHAIRMAN BISHOP:

I am ruling we are going to do that. All right.

1502 Directing County Planning Department to establish RFP Policy for securing grants for Soil and Water Conservation District. (Fields)

1600 Approving acquisition under Suffolk County Land Preservation Partnership Program (property in Middle Island) Town of Brookhaven. (Towle)

Motion to table by Legislator Caracciolo, second by myself. All in favor? Opposed? 1600 is tabled. **(Vote: 7/0/0/0)**

1666 Implementing pay as you go ¼ cent Taxpayer Protection Plan for Water Quality Protection and Restoration Program to acquire Lindenhurst property bordering Great South Bay. (Bishop)

I believe this, too, would be considered at SEQRA on November 21st, so will make a motion to table. Seconded by Legislator Binder. All in favor? Opposed? **(Vote: 7/0/0/0)**

LEGISLATOR FISHER:

What happened to 1502?

LEGISLATOR GULDI:

He skipped it. We are getting more information from Counsel.

LEGISLATOR FISHER:

No, 1494 we were getting more information.

CHAIRMAN BISHOP:

Oh, excuse me.

1502 Directing County Planning Department to establish RFP Policy for securing grants for Soil and Water Conservation District. (Fields)

Motion to table by Legislator Fields on 1502. Second by myself. All in favor? 1502 is tabled. I apologize. **(Vote: 7/0/0/0)**

1667 Creating Regional Forestry Council for Suffolk County. (Cooper)

This has been lingering a while. Do we have a motion? Motion to table by myself, second by Fields.

LEGISLATOR CARACCILO:

Motion to table subject to call.

CHAIRMAN BISHOP:

Now there is a superseding motion which is a motion to table subject to call which takes precedence over motion to table.

LEGISLATOR GULDI:

Hold on. On the motion. The difference between tabling and tabling subject to call is that we have one more meeting that it will appear on our agenda if we simply table it instead of tabling it subject to call. That's the difference. So the question is, the leading question is whether or not it should appear on our agenda for one more meeting.

LEGISLATOR BINDER:

Why talk about it? Why don't we just vote.

CHAIRMAN BISHOP:

Motion to table subject to call having been made and seconded. All in favor?

Opposed? I am opposed. (Opposed: Legislators Bishop, Fields, Fisher, Guldi) It has been defeated. Motion to table by Legislator Fields, seconded by Legislator Guldi. All in favor? Anybody opposed? It is tabled. **(Vote: 7/0/0/0)**

1668 Implementing Greenways Program in connection with acquisition of Active Parklands at Three Village Swim and Racquet Club (Town of Brookhaven). (Fisher)

LEGISLATOR FISHER:

Motion to table.

LEGISLATOR GULDI:

Second.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by myself. All in favor? Opposed? **(Vote: 7/0/0/0)**

LEGISLATOR FISHER:

Actually I am Fisher, but that's okay.

1688 Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Portion Road Corridor, Lake Ronkonkoma/Ronkonkoma (Town of Brookhaven). Assigned to Environment, Land Acquisition & Planning. (Caracappa)

This one has also been lingering a while.

LEGISLATOR GULDI:

This is the goose egg.

LEGISLATOR BINDER:

Motion to approve.

LEGISLATOR ALDEN:

Second.

LEGISLATOR FIELDS:

Motion to table subject to call.

CHAIRMAN BISHOP:

Motion to approve by Legislator Binder, second by Legislator Alden. There has been a motion to table subject to call by Legislator Fields. Is there a second that? It fails for a lack of a second.

LEGISLATOR FISHER:

I will make a motion to table.

CHAIRMAN BISHOP:

There is a motion to table by Legislator Fields, second by Legislator Guldi. That takes precedence over the motion to approve. All in favor of the motion to table? Opposed? Opposed, Legislator Binder and Alden. **(Vote: 4/2/0/0 Opposed: Legislators Binder and Alden)**

1717 Authorizing planning steps for the acquisition of land under pay-as-you-go ¼ % Taxpayer Protection Program (Land on Main Street, Holbrook, Town of Islip). Assigned to Environment, Land Acquisition & Planning. (Lindsay)

This is the small quarter acre that we heard about earlier.

LEGISLATOR FISHER:

Motion to approve.

LEGISLATOR FIELDS:

Second.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher, second by Legislator Fields. All in favor? Opposed? **(Vote: 7/0/0/0)**

MR. ISLES:

Wasn't this a corrected resolution, I think, where it changed from pay-as-you-go to multifaceted?

LEGISLATOR FISHER:

Yes, it was corrected.

MR. SABATINO:

It is a corrected copy. The date of it was – the date of the correct copy is October 16th, so it is eligible.

1718 Authorizing planning steps for the acquisition of land under pay-as-you-go ¼ % Taxpayer Protection Program (Land on Lincoln Avenue, Holbrook, Town of Islip). Assigned to Environment, Land Acquisition & Planning. (Lindsay)

1718 is the Greenways resolution for the ten acres off Lincoln Avenue in Holbrook. Motion by myself to approve. Second by Legislator Caracciolo. All in favor? Opposed? 1718 is approved. **(Vote: 7/0/0/0)**

1733 Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. Assigned to Environment, Land Acquisition & Planning. (Haley)

Motion by myself, second by Legislator Caracciolo. All in favor? Opposed? 1733 is approved. **(Vote: 7/0/0/0)**

1787 Authorizing planning steps for implementing Greenways Program in connection with acquisition of Active Parklands at Jericho Turnpike (Town of Huntington). Assigned to Environment, Land Acquisition & Planning. (Binder)

LEGISLATOR BINDER:

Motion to table.

LEGISLATOR FIELDS:

Second.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder, second by myself. All in favor? Opposed? 1787 is tabled. **(Vote: 7/0/0/0)**

1788 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates Property at Dix Hills) Town of Huntington. Assigned to Environment, Land Acquisition & Planning. (Binder)

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN BISHOP:

1788 similarly has to be tabled. Motion by Legislator Binder, second by myself. All in favor? Opposed? 1788 is tabled. **(Vote: 7/0/0/0)**

1789 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Emerald Estates Property at East Northport) Town of Huntington. Assigned to Environment, Land Acquisition & Planning. (Binder)

LEGISLATOR BINDER:

Motion to table, but, Mr. Chairman, I would like to ask Counsel to change that since we are using the 12-5(E) money. Obviously Huntington has this money for planning steps and it is kind of that help – use that account, as we have said –

CHAIRMAN BISHOP:

You don't want to do that now today?

LEGISLATOR BINDER:

If we can do it today I would make the change.

CHAIRMAN BISHOP:

I am sure you can.

LEGISLATOR BINDER:

Am I able to under the time clock?

MR. SABATINO:

The clock expired last Friday. I mean, you can do it, it will be eligible on December 18th then. We are too late for cycle because the --

CHAIRMAN BISHOP:

Well, why don't we clear it from the agenda.

LEGISLATOR BINDER:

So I would do it under the 12-5(E) as the other one is done so we can use that money, it is available, and we might as well --

CHAIRMAN BISHOP:

So with that change you have a motion to approve.

LEGISLATOR BINDER:

Okay.

CHAIRMAN BISHOP:

Second by myself. All in favor?

LEGISLATOR FISHER:

Is this that tall, skinny piece --

MR. SABATINO:

If you get it to the floor you have to table it on the floor. As long as you understand you have to table it until the 18th.

MR. ISLES:

If I could just express our point once again --

CHAIRMAN BISHOP:

Okay. 1789 is approved.

LEGISLATOR FISHER:

Opposed.

CHAIRMAN BISHOP:

Legislator Fisher, not Fields, is opposed. **(Vote: 6/1/0/0 Opposed: Legislator Fields)**

1800 Authorizing planning steps for the acquisition of land under pay as you go ¼ cent Taxpayer protection program (Land at Deer Pond Road, Wading River, Town of Brookhaven. (Caracciolo)

Fails for lack of a motion.

LEGISLATOR CARACCILOLO:

Oh, stop it.

CHAIRMAN BISHOP:

Well, I am waiting for you to say something.

LEGISLATOR CARACCILO:

Motion.

CHAIRMAN BISHOP:

It does not fail for lack of a motion. There is a motion by Legislator Caracciolo to do what?

LEGISLATOR CARACCILO:

Approve.

CHAIRMAN BISHOP:

To approve.

LEGISLATOR FISHER:

On the motion.

CHAIRMAN BISHOP:

On the motion. Are we taking this out of a new fund that George sponsored for the appraisals, Counsel? Because that's how this is written.

LEGISLATOR FISHER:

Okay, but I would like to ask Planning, this is 24 acres, so approximately how much would we be spending on this and do we have enough money to acquire it.

CHAIRMAN BISHOP:

Twenty-four hundred acres?

LEGISLATOR FISHER:

Twenty-four acres. Did I say 2,400?

LEGISLATOR GULDI:

No.

LEGISLATOR FISHER:

I think I said 24.

LEGISLATOR GULDI:

You did.

MR. ISLES:

It is going to be in under the new quarter percent so there is a revenue stream in terms of the new $\frac{1}{4}$ percent monies coming into it. In terms of how much it is worth, we haven't done any appraisals on it. I would just point out that it is – I would expect to be a very low value parcel. There are

real questions with access. I believe it is landlocked. It is a worthwhile preservation parcel because it is adjacent to County open space, both State and County open space, but I would think that we would – it would be a very inexpensive price given the fact that I don't think it could be developed.

LEGISLATOR FISHER:

Thank you.

LEGISLATOR CARACCILO:

Vivian, just for the record. When this parcel was brought to my attention first we wanted to determine if we had willing sellers. We did. Then I put it to the test of whether or not it met the criteria that we should consider acquisitions, the basis of which we should make acquisitions. It does. It is adjacent to – what is the size of the undeveloped Brookhaven State Park along William Floyd Parkway, several hundred acres, right?

MR. ISLES:

Yes.

LEGISLATOR CARACCILO:

So that is to the west, north and south of the property and to the immediate east is the Spring Meadow property of 130 acres that we bought last year.

LEGISLATOR FISHER:

So it meets many of the criteria that we had outlined in prioritizing.

LEGISLATOR CARACCILO:

Absolutely. Motion to approve, Mr. Chairman. Second by Legislator Guldi.

LEGISLATOR GULDI:

Why don't you just call the question.

LEGISLATOR CARACCILO:

Well, the Chairman is here.

CHAIRMAN BISHOP:

Please refresh my recollection. Where are we?

LEGISLATOR CARACCILO:

1800.

CHAIRMAN BISHOP:

Motion to approve having been and seconded, all in favor? Opposed? It is approved. **(Vote: 7/0/0/0)**

1848 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven. (Haley)

We heard earlier that the program is completely oversubscribed. Is that

correct?

MR. SABATINO:

You need a town board resolution.

CHAIRMAN BISHOP:

We don't have one. Motion to table by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed? 1848 is tabled. **(Vote: 7/0/0/0)**

1879 A resolution authorizing the issuance of \$50,000,000 Serial Bonds of the County of Suffolk, New York, to pay the cost of the acquisition of certain environmentally sensitive parcels of land and the acquisition of development rights for the Farmland Preservation Program, each for and in accordance with the Suffolk County Drinking Water Protection Program of and for said County. (Co. Exec.)

This is irrelevant, right?

LEGISLATOR CARACCILO:

Table subject to call.

CHAIRMAN BISHOP:

1879 status.

MR. SABATINO:

It has now been rendered moot by virtue of the –

CHAIRMAN BISHOP:

1879 motion to table subject to call by myself, seconded by Legislator Caracciolo. All in favor? Opposed? **(Vote: 7/0/0/0)**

1888 Adopting a Local Law No. –2001, A Charter law to authorize low interest borrowing for land and water protection under the ¼ cent Environmental Protection Program. (Caracciolo)

LEGISLATOR CARACCILO:

We adopted 1887.

CHAIRMAN BISHOP:

Withdraw it.

LEGISLATOR CARACCILO:

I will drawing. **1888 I am requesting be withdrawn.**

1933 To establish an Oversight Program for County land acquisition. (Alden)

Explanation, Counsel.

MR. SABATINO:

1933 is legislation that was proposed by Legislator Alden to basically put in

place a criteria, conditions, and procedure for acquisition of land under the following programs. Greenways, Quarter Percent, Land Preservation Partnership, the Multifaceted Program, Open Space, Farmland Preservation, and the old Quarter Percent. So it really picks up the seven programs that are currently in place and it – actually eight. It also covers the Chapter 102 Land Exchanges.

CHAIRMAN BISHOP:

And what does it do?

MR. SABATINO:

What it does is it calls for planning steps resolutions as a first step and it calls for a role by the Board of Trustees in Parks and Recreation where they would have to by a two-thirds vote of their entire membership give some kind of –

CHAIRMAN BISHOP:

So in order to a resolution to be approved under this legislation for acquisition, a two-thirds majority of the Parks Trustees would have to be achieved?

MR. SABATINO:

Right.

LEGISLATOR FIELDS:

That is a good thing.

CHAIRMAN BISHOP:

In what world?

MR. SABATINO:

And then this committee or a successor committee would pick up step two which would be to prioritize whatever gets to that screening process and to come up with a prioritization which would be based on a review in ranking that the Planning Department would do at the request of this committee. So you would have three layers of view –

CHAIRMAN BISHOP:

Basically – I'm sorry, go on.

MR. SABATINO:

That is the short version of it.

LEGISLATOR ALDEN:

Yeah. Basically what we are doing is throwing a little bit more work towards the Planning Department in establishing priorities as far as land that we want to acquire in Suffolk County. Telling us, in other words, that even though it might not be on the market, there is a piece of property here, there, or the other place in Suffolk County that would be environmentally sensitive and would be a great acquisition to be made. It is not all that dissimilar from what Legislator Fields pointed to before, that book that New York State has.

And it would actually stop as far as what as I classified and I think Legislator Caracciolo criticized me for doing that, but like a helter skelter type of acquisition. It would coordinate all our acquisition programs and make them a little bit more focused rather than just jumping all over the place.

CHAIRMAN BISHOP:

I will yield for a question.

LEGISLATOR GULDI:

I am concerned about three things. The first problem I can see is the abdication of legislative authority to close calls on acquisitions. Instead of making those hard decisions here by the elected representatives of the people we are going to -- let me complete my remarks. They are going to delegate it to the Park Trustees who are essentially, while they do a wonderful job, they are not accountable to the voters.

Number two, the process of creating bureaucracy in our land acquisition program will impair our ability to rapidly acquire parcels when the opportunities present themselves and hamstring and delay our ability to come to closings. That will make us a less desirable purchaser than a commercial purchaser in the marketplace and create a huge disadvantage in our abilities to acquire those parcels that we're pursuing because of the months of delay that we create in addition to our already cumbersome legislative approval process.

LEGISLATOR ALDEN:

Actually, in answer to that -- oh, I'm sorry.

LEGISLATOR GULDI:

Those primary concerns would -- while I certainly have no, you know, the balance criteria is obviously very similar to what we have implemented on farmlands, the expanded role of planning in our acquisition department is something I've consistently supported, but there are two major concerns I have in the bill that at point would prohibit me from supporting it. So I would like the sponsor to address those two concerns, both the accountability -- call it a dual concern -- accountability and delegation of legislative authority in one of our primary areas of responsibility, and the impact on creating additional layers of bureaucracy to hamstring our acquisition program.

LEGISLATOR ALDEN:

Actually it would expedite the purchase. It would make us a more attractive purchases because in advance we would have a list of desirable properties that we would want and we would have them ranked as far as how the County would go about acquiring certain environmental sensitive pieces, wish lists so to speak.

On the second end, you actually have the oversight and you have the ability to overrule any type of finding, even by the Board of Trustees.

Your concern, while it is very, very much well thought out, it doesn't exist in this. The Legislature is still the last -- I guess the buck stops here basically is

what I am trying to say. You are still accountable for it, you are the one that is going to vote on the purchases.

LEGISLATOR CARACCIOLO:

I just have to comment before I recognize you, Legislator Fisher, that I am happy to see in this new age bipartisan support from the Town of Islip Legislators. It is wonderful to see. Legislator Fisher.

LEGISLATOR FISHER:

I had a resolution today to acquire the development rights, farmland development rights. Now, before that resolution is considered, there had to be a vote by the Farmland Bureau. Is that what they are called?

MR. ISLES:

Farmland Select Committee.

LEGISLATOR FISHER:

Who composes that committee and how do they come to be members of that committee?

MR. ISLES:

There are 19 positions on the committee, 16 currently filled. There are appointments from one of each of the ten towns, and then there are nine at large positions appointed by the County Executive. I believe they are all subject to confirmation of the County Legislature. I'll verify that if you want.

LEGISLATOR FISHER:

Okay, so it is not that different a makeup from that which we see in the Park Trustees, then. We have representatives and before we bring resolutions with regards to farmland development rights we have had approval of the Farmland Select Committee, have we not?

MR. ISLES:

Yes.

LEGISLATOR FISHER:

So I don't believe that that in any way makes the Legislature's ability to make a decision any less or any less important. I believe that if we were to have – I support this resolution because I have seen the Parks Trustees at work and I have listened to their deliberations and I respect their opinion. Certainly it is a layer of bureaucracy, as Legislator Guldi said, that we have in farmland decisions. However, it hasn't deterred us in any way and it hasn't prevented us from moving forward with farmland development rights or acquisitions. In fact, it has just made it very clear and when we propose these resolutions we present them with the weight of the Farmland Select Committee's opinion and prioritization. So I don't see the inclusion of the Parks Trustees as a negative. I certainly see it as a positive part of our decision making.

LEGISLATOR CARACCIOLO:

Legislator Fisher, would you feel that way if, in fact, you had a piece of property in your district which you believed met all of the existing criteria but yet it could not measure up and pass muster with the Parks Trustees and you would be preempted from moving that acquisition forward, would you still support this resolutions? Because that is really what it comes down to. If you look at Jonathon Cooper's resolution for 24 acres –

LEGISLATOR FISHER:

I'll answer your question. When I was faced with a very important piece of property when I first became a Legislator, we had set up a criteria for Greenways acquisition. I felt in my own judgement that very important piece of property did not meet the criteria that we had set up in Greenways so I did not use that program because I took a hard look at it and saw that it wouldn't have met the priority. Other people said, well, you are a Legislator, present it anyway and push for it. I believe that we should have criteria that we are willing as professionals to adhere to, and I believe that the Trustees – and we can certainly go to Park Trustees meetings and advocate and work with them in taking a hard look at these criteria.

CHAIRMAN BISHOP:

May I? I missed the debate, but I will tell you why I would oppose.

LEGISLATOR FISHER:

What I had pointed out, Legislator Bishop, was that when we make – when we have resolutions with regard to farmland development rights –

CHAIRMAN BISHOP:

We have a similar process.

LEGISLATOR FISHER:

We have a similar process, and it has never been a hindrance in moving forward.

CHAIRMAN BISHOP:

When we wrote the Greenways, if I could, when we wrote the Greenways bill we specifically went with a method that empowered this institution to do the prioritization and to do the authorizations solely. The Greenways legislation has been cited numerous times, the open space portion, as a model for cooperation between the legislative branch and the Executive as represented by the Planning Department. Nobody has complained about the process there. Why would we abandon that success now and put in additional impediments and diminish our authority, which is what this resolution does.

The Parks Trustees are fine people. However, they are appointees of the Supervisors. So what you are doing is you are saying the Legislature cannot approve a land acquisition unless two-thirds of the appointees of the Town Supervisors approve it first. That concerns me greatly. I was sent here by my constituents to make decisions and to work for the betterment for the population of Suffolk County, not to defer decisions. I think that we have met that challenge in the Greenways program. I don't think we should

abandon that process now. We should actually strengthen that process as we move forward in the multifaceted program. I am very concerned about this resolution. I think it is a great departure from the precedence and the successful methods that we have established.

LEGISLATOR FIELDS:

May I?

LEGISLATOR CARACCILO:

Go ahead, Ginny. I can wait.

LEGISLATOR FIELDS:

I would invite you to go to a Parks Trustees meeting and when Commissioner Isles brings up a piece of property or Jim Burke brings up a piece of property, they really, really evaluate the property on all of the merits, not politically, but on the merits of the property. And before you say that you are absolving anything, I would invite you to go to the next meeting and listen to the criteria that they bring up and listen to the way that they come to a decision before – and I would make a motion to table –

CHAIRMAN BISHOP:

Why is that better than the way we did it?

LEGISLATOR FIELDS:

Because I think it is a lot better. Come to the meeting. Just witness it. I would make a motion to table this one cycle to invite you to a meeting and watch these people in action.

LEGISLATOR CARACCILO:

Dave?

CHAIRMAN BISHOP:

Legislator Caracciolo.

LEGISLATOR CARACCILO:

Legislator Fields, did the resolution to acquire property in your district go before the Parks Trustees? The resolution that was vetoed?

LEGISLATOR FIELDS:

It never got out of committee as far as I know. Did it, Tom? Did it go before the Parks Trustees? It never got there.

LEGISLATOR CARACCILO:

What were the steps to get to the Parks Trustees? Why didn't it go to the Parks Trustees?

LEGISLATOR FIELDS:

I don't even know why it didn't go.

COMM. SCULLY:

If I could. My understanding, Legislator Caracciolo, is that at the point where

legislative authorizing the acquisition itself for the purpose of most programs when that type of legislation gets here, in programs where the Parks Trustees have a role, and they don't have a role in all programs, at that point that they would be required to review it.

LEGISLATOR FIELDS:

It might not have been in a program where they had a role.

MR. SABATINO:

The Commissioner accurately described it. The Park Trustees only have a role statutorily under the Open Space Program from 1986 and from the 12-5 quarter percent program. But again – the 12-5(E) program, rather. It only comes in at the point of when there has been an authorized acquisition. So there would be no role for them to play in the other situation.

LEGISLATOR CARACCILO:

Just one point in terms of the analogy of the Farmland Select Committee. The difference there is, given that we have 18 legislative districts and we really only have farmland in maybe half of the 18 districts that really would be considered in terms of large purchases, I am being very conservative, it may really come down to three or four legislative districts, the North/South Fork, park of Brookhaven, part of Huntington. That said, I think Legislators are much more comfortable with that because it is really not a judgement that is going to be made or their judgement is not going to be superseded by another layer of bureaucracy as you put it that is going to have a profound impact negatively or positively on what they themselves would like to advocate on behalf of their constituents. So that is not really not an equal or fair analogy in my view.

I can tell you this. All of the Legislators that are not here who have resolutions in this committee would probably on the whole be opposed to this resolution because it is going to negate and take away their authority that they were elected to represent the people of their districts, to advocate and preserve properties in each of their legislative districts. You are passing the buck on to somebody else who, as the Chairman pointed out, are appointees of Town Supervisors. Not County government, of town government. These are County programs. These are County funded programs and County elected officials should pass judgement.

CHAIRMAN BISHOP:

I think there are some sincere concerns with this. I have just been challenged to go to the Parks Trustees. I will put it on my schedule. I am going to the next Parks Trustees as long as it is not on the South or North Fork where I have to drive four hours.

LEGISLATOR FIELDS:

It is Thursday at 12.

COMM. SCULLY:

Thursday at 12 at West Sayville.

CHAIRMAN BISHOP:

Perfect.

LEGISLATOR GULDI:

You can't move it to Third House for him?

CHAIRMAN BISHOP:

I will be attending. I have a motion to table.

LEGISLATOR ALDEN:

Actually, on your motion to table, whether it gets tabled or whether it gets approved today, the attempt here is to bring some kind of order out of the chaos that actually exists, and actually to come forward with a County prioritization. It is not a delegation of authority to anybody. It is still – the authority is residing with this body right here as far as what properties we purchase and what properties we don't purchase. It establishes some criteria in it. It actually establishes some overall coordination, which is badly lacking in the programs that we have right now. Thank you.

CHAIRMAN BISHOP:

Thank for that, Legislator Alden. I appreciate the intention. The program that we are coming out with next year, the multifaceted program, we have approved a string of appraisals, right, planning steps resolutions. Is that correct? So when we have all that information, then this committee can do what it did so effectively in Greenways, which is we can take the facts and then prioritize. When we come back in January that is what we will do. I mean, we are not going to do it for December and everything that is pending gets wiped out in January, we start over. It wipes out December 31st and we start over in January.

LEGISLATOR ALDEN:

I am not sure if I was here for the first – like the thought of Greenways, but I definitely voted on it in my first term. Prior to me getting elected, was there discussions as far as having a whole set of criteria and an overall plan for the County to acquire property?

CHAIRMAN BISHOP:

What we did with the Greenways open space is we – I think fairly formally, but certainly very actively informally told every Legislator get in all your proposals and this committee, the Environment Committee, prioritize them.

LEGISLATOR FISHER:

Actually, Legislator Bishop, that was when I was Chair of Greenways. When I first came on board there was a Greenways – Greenways was part of the Parks Committees and it looked very helter skelter and chaotic to me, Legislator Alden. So being a teacher it seemed to make sense to me to try to make a list of priority and we set up a committee to help us do that. It wasn't the Parks Committee. John Turner helped us with that committee, Planning Department, Real Estate, and they did create a list for us.

Everybody had a deadline by which they had to put in their requests and we came up with a list and that was in January of 1999.

CHAIRMAN BISHOP:

There is no reason why we cannot replicate that again. I think a lot of Legislators are getting concerned about all these planning step resolutions, but they are not – the reason they don't get the level of scrutiny that you normally associate with a commitment for acquisition is because they are not a commitment for acquisition. They are merely planning steps. They are tools to acquire facts. When we have all of these facts, next year we will with that new multifaceted program do the prioritization that you are screaming for.

LEGISLATOR ALDEN:

I think, like Legislator Fisher, I would like to see order out of what I perceive as almost chaos, and I would like to see a Countywide policy and that is what I have attempted to do here. I apologize if it has been misconstrued by other Legislators as a delegation of our authority because that is not the intent of my legislation. My legislation is to bring that order, as Legislator Fisher so properly put it, out of what appeared to be chaos. Thank you.

LEGISLATOR CARACCILO:

Mr. Chairman, just to follow-up on your comment, then. It is not your wish to delegate this authority to someone else like the Parks Trustees.

LEGISLATOR ALDEN:

No, it is not.

LEGISLATOR CARACCILO:

Thank you. Mr. Isles, did you have an opportunity to review this resolution, and if you did, would you like to share with us your thoughts?

MR. ISLES:

Yes, we did have an opportunity to review it and I think in terms of the concept of having more orderly approach to ranking of parcels is something we would support, we think it is good. How that exactly takes shape and form and what works best for Legislature, of course, can be hammered out. I think there are a couple of resolutions on the table, including 1886 is another one that, I think, you have submitted, Mr. Caracciolo, that also seeks to rank parcels.

The only comments I would make specifically on this resolution would be it makes reference to an exhibit (a) with a ranking of open space parcels and criteria and so forth which is fine, it is just that doesn't quite fit with all of the programs, including the new quarter percent. That would be a simple adjustment to show that criteria meeting the new programs that we have based on the statute of the County Charter.

The second item is that there is some minor language change we would like to suggest, but fundamentally the idea of ranking is fine. I will point out that this is a very specific ranking and it actually goes back to some languages in

the County Charter from the late 80's in terms of specifying that the Director of Real Estate each year by January 31st submit a list of proposed acquisitions, the estimated cost, whether groundwater would be available – groundwater wells would be available and so forth. So it goes pretty far, whether we need to go that far I am not sure, but I think the approach is fine and something we would certainly be pleased to cooperate with the Legislature on and we would just suggest some fine tuning on some of the language and the criteria that is being proposed.

CHAIRMAN BISHOP:

We have a motion to table by myself. Second by Legislator Caracciolo. All in favor? Opposed? Legislator Alden is opposed and Legislator Binder. The resolution is tabled. **(Vote: 4/2/0/0 Opposed: Legislators Alden and Binder)**

1942 Implementing Greenways program in connection with Acquisition of Active parks lands at West Main Street, Riverhead (Town of Riverhead).

LEGISLATOR CARACCILOLO:

On 1942, Mr. Chairman, I don't believe we have Town Board resolution yet. Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? 1942 is tabled. **(Vote: 7/0/0/0)**

We will now do the Sense Resolution.

SENSE RESOLUTIONS

Sense 91-2001 Memorializing resolution requesting State and Federal government to join in Long Island Pine Barrens acquisition (Roselin).

This is Legislator Towle's resolution.

LEGISLATOR CARACCILOLO:

Explanation.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by myself. Explanation, Counsel.

MR. SABATINO:

This is property that is located on the Carmen's River watershed. It is known as the Roselin property. This is asking the State of New York and the federal government to join with the Town of Brookhaven and the County of Suffolk to acquire what is approximately 340 acres of land.

CHAIRMAN BISHOP:

I made the motion, right? Second by Legislator Fisher. All in favor?
Opposed? The Sense Resolution is approved. **(Vote: 7/0/0/0)**

We have five CEQ resolutions and that will be our final – before we do the CEQ we skipped over, we deferred consideration of what number, **1494 to promote smart growth by diversifying composition of County Planning Commission.**

MR. SABATINO:

I have the answer.

CHAIRMAN BISHOP:

Mr. Isles, do you a comment on this before I get the answer to my question?

MR. ISLES:

Just to make one clarification on the earlier discussion. Counsel indicated that there are two village representatives. There are ten town representatives, there are then three at large representatives for a total of 15 representatives. I will point out that we did receive a letter from the head of the Supervisors Association of Suffolk County, Jean Cochrane, back in August when this proposed indicated that all ten town Supervisors opposed it. So the only comment I would make, I think the idea of smart growth is something we strongly support. I think we would only express the concern for the fact that town representatives would go from ten representatives to two representatives. Fundamentally it is not bad, the approach, but I think we would have a concern for the change in the town representation.

CHAIRMAN BISHOP:

Okay. I asked a question about when appointments are over, and all but three of the appointments of the 15 would be sunseting on December 31st of this year or prior.

LEGISLATOR GULDI:

What about those three?

CHAIRMAN BISHOP:

One is December 31st of 2003, and two are 2002. Is that right?

MR. SABATINO:

There is four. Two are 2002, and two are 2003, at the end of the year, right. But 11 out of the 15 would already have expired. The question you had asked earlier Mr. Isles just expanded upon. The 11 would be at large appointments, but they would have background and criteria. Currently there are ten, they are not chosen by the towns, but the represent the ten towns, two for the villages and three are at large. So in effect you are going from a three at large to an 11 at large system with the at large, though, to have background criteria.

CHAIRMAN BISHOP:

The number of the new board is how many?

MR. SABATINO:

Eleven.

CHAIRMAN BISHOP:

All right. And so the number of the ones that expire by December 31st is how many?

MR. SABATINO:

Eleven, four still would be left.

CHAIRMAN BISHOP:

It is a perfect match.

MR. SABATINO:

Purely by accident.

CHAIRMAN BISHOP:

What I would say is that perhaps what we may want to do is replace the 11 with the new 11, and the others will sunset out of existence when their term is up. This way you are not removing anybody, but you are changing the composition.

LEGISLATOR FIELDS:

What is wrong with removing people? I mean, don't we do things like that? Don't we make policy here in the Legislature? I mean, since when does an appointment make policy over or set precedence over what decisions we make. This is changing, and that is the whole purpose of the bill.

CHAIRMAN BISHOP:

Right. Well, the reason – I think it implies that the particular members who are going to be removed did not perform well. And I think what your point is, is not to attack particular members, but that the overall balance of this Planning Commission has not been achieved properly in that it is too – I think in your opinion it is too –

LEGISLATOR FIELDS:

It implies, as the title says, to promote smart growth by diversifying composition of County Planning Commission. You can read whatever you want into it, but that is not the intent. The intent is to promote smart growth by diversifying.

CHAIRMAN BISHOP:

Do you have a motion, Legislator Alden?

LEGISLATOR ALDEN:

Tom -- I guess this question is Tom or the Chairman or Paul Sabatino can answer. The Planning Commission right now does not really set County

policy, we do, but the Planning Commission will review applications that are forwarded to them by the towns. Then we look at those and we make our recommendations and send those back to the town. Are those binding type of recommendations?

MR. ISLES:

They are not binding in the sense that the town or village can overrule the Suffolk County Planning Commission by a majority plus one vote. If they do that act and state the reasons for overruling the Commission, then the local decision stands.

LEGISLATOR ALDEN:

Now, Tom, put yourself in the position of a town, and I am going to do a hypothetical for you. If you are on this Planning Commission and felt included as a town representative, and we all of a sudden said you know what, you guys are all out. Now we are going to send recommendations to you, do you think that there might be a leaning towards ignoring our recommendations by the town as they were excluded from this Planning Commission? Might there be a – you know what, I have to take you off the hook on that.

I will put myself in that position. If I was on a town and had been appointed to serve on this Planning Commission and I was removed and now I am sitting in town again because obviously you can't remove me from my town functions, and I saw this kind of message being sent to me, I think I am going to pay less attention to the recommendations than I would even in the past.

LEGISLATOR FIELDS:

These are not town employees.

LEGISLATOR ALDEN:

That is not the point.

LEGISLATOR FIELDS:

That is the point.

LEGISLATOR ALDEN:

These are representatives from the town.

LEGISLATOR FIELDS:

They are just appointments, people that don't even have background some of them.

MR. SABATINO:

I think there is a little confusion. The Board of Trustees for Parks, Recreation is different. That is where the town –

LEGISLATOR ALDEN:

My whole point is this. At this point you have representatives from each

town. Now, these representatives sit and look at different applications that come out from the town. Then we make recommendations that are non-binding, send them back to the town, and then the towns act on those. The town or whatever it is, the Suffolk County Board of Supervisors, has unanimously rejected this idea as far as changing, in mass, the composition of the Planning Commission. So it is non-binding right now.

I am just worried that we are sending the wrong message to the towns in doing it just in mass like as if you haven't been doing the right job in the past and now we are just going to remove all these representatives that had represented the town on our Planning Commission in the past, and we are going to replace with a whole new composition of board members without any commendation for service because they serve at no, from what I understand, no compensation. So we are now just basically slapping everybody in the face. The Board of Supervisors has come out against this, so we are going to slap them in the fact, and then we are going to expect them to follow our recommendations when we send them down to them. I think there might be something wrong with that picture.

LEGISLATOR FIELDS:

I think your last bill was very similar to trying to effect a change, and this is the same kind of thing, trying to effect a change in that the people who are put on to this Commission have some background. And if this guarantees that they have background. The last person that we did not approve didn't have any background and shouldn't have even been on there.

LEGISLATOR ALDEN:

Legislator Fields, with all due respect, the proposition I put forward earlier that was tabled did not take a sitting board that had been serving for (x) amount of time and just in mass tell them all not thank you very much for serving at your own cost, just you are gone.

LEGISLATOR FIELDS:

I will be happy to thank all these members for serving.

LEGISLATOR ALDEN:

No, I am talking about the resolution itself. If you look at it, mine didn't touch a sitting board, it didn't touch anything like that. It didn't touch individuals. This is a completely different proposition.

CHAIRMAN BISHOP:

Legislator Binder.

LEGISLATOR BINDER:

I think Legislator Alden makes a very important point. This is not something we send to the towns as binding. This is basically a recommendation. We give them the opportunity to say this is what we think of your recommendation. Well, if we summarily rip out their representation within this process, and that is what we would be doing, we would be sending them a very clear message – we are not interested in what you think until we send

it to you. They have already spoken out against it very strongly. I know the Supervisors or at least the Supervisor in Huntington, there is a new Supervisor in Babylon so I don't know what he is going to be saying in January, but I am certain that this is going to cross party lines. It doesn't matter what party you are in, either way they are going to feel like they have been taken out of the process where they've had input and they've been a part of it.

I am absolutely certain that their attitude toward these recommendations will become clearly in opposition, clearly we'll be rejected on a more regular basis, and I think we should listen when the Supervisors of the towns are sending us a message. So I would hope that we wouldn't pass this today. I would hope we also wouldn't do what Legislator Alden mentions that we would be doing, slapping people in the face that have put in an incredible amount of time and effort, even those who maybe hadn't previously had a background, which we say we didn't put someone one who didn't have a background. Well, this person who quote, "didn't have a background" had years of experience on a planning board so he may not have had a background when he first started, but he clearly had a background over time, but we clearly slapped him in the face and in a way that was incredibly unfortunate and maybe not out of character, but I think in this institution was a black mark in this institution in how we treated this unpaid member of a planning board. It was one of the more unfortunate times in 12 years I have been here in how he was treated. In fact, it was disgusting was maybe the best word I can say.

There are Legislators here who didn't have backgrounds before they came here, who probably didn't know what the heck it meant to even legislate when they got here, but the fact is that over time we figure out how to do what we are doing and I think a lot of people pick it up and do a very good job and I think the Planning Board has done a very admirable job and I don't think this Legislature should be smacking them in the face and I think that is what this would be doing. It would be smacking the Town Supervisors in the face and thumbing our noses at them and saying we don't really care what you think, we are doing it anyway. So I would hope that we would soundly defeat and if we don't – well, it doesn't look like we are going to defeat it in this committee, but I would hope on the floor of the Legislature we will soundly defeat it.

LEGISLATOR FIELDS:

I think that what this proposal intends to do is make it better and I don't think anyone on this horseshoe would stop any kind of intent to try to make things better.

LEGISLATOR BINDER:

Mr. Chairman. The road to a couple of very bad places have been paved with good intentions. I don't disparage the intent of the legislation. I am sure the intent is to make things better. Often when we intend to make things better we can often make things worse, and I think this would clearly make things worse in our relationships with the towns when it comes to planning.

CHAIRMAN BISHOP:

And the rest stop on the road to good intentions is serving false information when we argue that the towns would be harmed here, because the current members of the Planning Commission are not appointed by Town Supervisors. So, all that rhetoric about Town Supervisors having their faces slapped and – I don't know if that is accurate.

LEGISLATOR BINDER:

There is no false information. I didn't say that they have people. What I am saying is two things. The people that are serving, their faces are being slapped. That is number one.

CHAIRMAN BISHOP:

Right. I agree –

LEGISLATOR BINDER:

Because I think they have done a very admirable job. That is number one. Number two. I said we are thumbing our noses at the Supervisors who have clearly come out and said that they want this system as they are represented even if they don't appoint, but as their representation they have on this system they clearly want this to continue in this manner and we are thumbing our noses at them if we tell them we really don't care if unanimously all of you don't want it to change, we don't care if you have the last say, and these are only recommendations and in the end you could take it out on us or take it out on the process because of what we are doing. So, I think it is a bad step.

LEGISLATOR BISHOP:

Legislator Guldi.

LEGISLATOR GULDI:

I am confused. I am trying to understand here that we have got one commission that too much town influence and we want to make it better, yet we have another proposal being sponsored by one of the opponents of that proposal to delegate more authority to another commission where we have direct appointments of Town Supervisors to the Parks Commission. It is interesting to watch the political interplay or the contrast between these two measures that are here before us simultaneously because of the inverse positions that the advocates find themselves on. It's the – I am having trouble with a logical reconciliation of the arguments of the advocates and opponents to each of these bills since the argument they are making essentially contradicts the alternate position. So, it is truly a strange dynamic.

LEGISLATOR ALDEN:

It is obvious, George. It is the same problem I have every time you go and

argue against something. I can't figure out where you are coming from.

CHAIRMAN BISHOP:

All right.

MR. ISLES:

If I could just add one point and that is one thing with our structure of zoning powers and planning powers is that they are vested with localities, the towns and villages. So I think that is an important point. It is their decision in the end and it is different from the Parks Trustees position that we talked about.

CHAIRMAN BISHOP:

Two of our voting members are not in the room. Let us go to CEQ and we will rush through those unless more thorough dialogue is called for. Let's do the CEQ's. Jim, are you ready?

CEQ RESOLUTIONS

57-01 Proposed Median Improvements on Various County Roads – CP 5001 – Type II Action.

MR. BAGG:

Various projects involve median improvements on various County Roads –

CHAIRMAN BISHOP:

Motion to approve by myself. Second by Legislator Fisher. All in favor? Opposed? **(Vote: 5/0/0/1 Not Present: Legislator Caracciolo)**

59-01 Proposed Repair of Commercial Dock at Shinnecock Inlet, Town of Southampton – CP 5344 – Unlisted Action (Negative Declaration).

MR. BAGG:

This proposal project involves funding a one-half of the repair cost of the commercial dock at Shinnecock Inlet in the Town of Southampton. A small amount of dredging is involved. The town is in charge of completing the project. The Council recommends that it is an unlisted action that will not have a significant affect on the environment.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Binder. All in favor? Opposed? List me as opposed. **(Vote: 5/1/0/0 Opposed: Legislator Bishop; Not Present: Legislator Caracciolo)**

60-01 Proposed Preliminary Interior Security Fencing at Gabreski Airport – Type II Action.

LEGISLATOR GULDI:

They have a little fence now and we are going to do more later.

CHAIRMAN BISHOP:

I see. Motion by Legislator Guldi, second by myself. All in favor? Opposed?
(Vote: 5/0/0/2 Not Present: Legislators Alden and Caracciolo)

61-01 Proposed Highway and Intersection Improvements to CR 7, Wicks Road at CR 67, Long Island Motor Parkway and Long Island Expressway South Service Road, Town of Islip – CP 5539 – Unlisted Action (Negative Declaration).

MR. BAGG:

The project involves including various turn and through lanes to relieve congestion in the area and improve traffic safety. Council recommends it is an unlisted action and will not have a significant effect on the environment.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Binder. All in favor? Opposed? Sixty-one is approved. **(Vote: 5/0/0/2 Not Present: Legislators Alden and Caracciolo)**

62-01 Proposed Greenways Acquisition for Active Recreation, Miller Place, Town of Brookhaven – Unlisted Action (Negative Declaration).

MR. BAGG:

This is the proposed Greenway acquisition for active recreation in Miller Place. I believe the Legislature approved it by CN with –

LEGISLATOR FISHER:

Oh, the soccer fields?

MR. BAGG:

Yes.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by myself. It is approved. **(Vote: 5/0/0/2 Not Present: Legislators Alden and Caracciolo)**

LEGISLATOR FISHER:

Jim, I didn't get a copy of these at my office. Did you send them?

MR. BAGG:

Yes. They all went out the week after the CEQ meeting to everybody.

LEGISLATOR FISHER:

Okay. I'll try to figure out what happened. Thank you.

CHAIRMAN BISHOP:

Like clockwork. All right. Let us go back to 1494.

LEGISLATOR FIELDS:

Motion.

CHAIRMAN BISHOP:

We have a motion to approve by Legislator Fields.

LEGISLATOR GULDI:

I'll second.

CHAIRMAN BISHOP:

Second by Legislator Guldi. We have heard significant debate.

LEGISLATOR GULDI:

And insignificant.

LEGISLATOR FISHER:

Now, what about David's thing? Could that go with the way this currently stands, that the four stay there until they are finished?

CHAIRMAN BISHOP:

Legislator Fields rejects it. I think it is the right thing.

LEGISLATOR FISHER:

Can you make the change? You don't want to make that change?

CHAIRMAN BISHOP:

The change that Legislator Fisher and I suggested was the 11 members who are holdovers and will expire at the end of this year would be replaced by this new board, new criteria – their terms would expire at the end of this year. They would be replaced by the new board and the four members that have terms that go beyond December 31st of this year would be allowed to remain until their terms expired. That is Mr. Eversoll, Mr. Parr, Mr. Martin and Mr. Isles. Is that something you would be willing to entertain? Okay.

LEGISLATOR ALDEN:

On the motion.

CHAIRMAN BISHOP:

I think we are past that point. We have a motion and a second. We are voting now. We had debate for about a half on this already.

LEGISLATOR ALDEN:

You didn't call the vote did you? You can do whatever you want to do, Dave. If you want to stifle debate –

CHAIRMAN BISHOP:

I want to stifle debate at this point. All in favor? Opposed? Legislator Alden and Binder. The resolution is approved. **(Vote: 4/2/0/1 Opposed: Legislators Alden and Binder; Not Present: Legislator Caracciolo)** We have a motion to adjourn by myself.

LEGISLATOR ALDEN:

Mr. Bishop, before we adjourn.

CHAIRMAN BISHOP:

Yes, you are welcome now to make your –

LEGISLATOR ALDEN:

Tom, are you going to go back to the Planning Commission, this Commission that was just altered? From this Legislator, anyway, convey my sincere thanks for the way that they have served, uncompensated in the hours and everything else that they have put in. Thank you.

CHAIRMAN BISHOP:

Motion to adjourn by Legislator Guldi, second by myself. All in favor? Opposed? This committee is now adjourned. Thank you very much.

(The meeting was adjourned at 5:45 p.m.)

{ } Denotes Spelled Phonetically